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IN THE UNITED STATES DISTRICT COURT
TUCSON DISTRICT FOR ARIZONA

Jerry A. Vierra,

Plaintiff,

vs.,

Cochise County, Arizona Counties Insurance Pool, James
M. Jellison, Forest Hauser, Sean Gijanto, Allison Hadfield,
Nathanael Tasch, Carol Capas, James Nuti, Jr.,

Defendants.

CV-19-394-TUC-RCC
) CASE NO. _____
) Federal Rules of Civil Procedure:
) 60(b)(3) Fraud Upon The Court
) Independent Fraud Action
) 665 Violations: 42 U.S.C. § 1983
) 665 Violations: 42 U.S.C. §1985(3)
) Total Stand-Alone Claims: 1,330

I - Jurisdiction

1) This District Court, Located at Evo A. DeConcini United States Courthouse, 405 West Congress Street Tucson, Arizona has jurisdiction of this Action against Defendants according to 28 U.S.C. 1331. This Court has Venue: 28 U.S.C. § 1391.

2) Before this District Court is a Federal Rules Civil Procedure (F.R.Civ.P.) 60(b)(3) "Independent Fraud Action" ("Action"), which resulted from egregious frauds perpetrated upon this District Court and the Court of Appeals for the Ninth Circuit, in now withdrawn/dismissed civil case: 4:13-cv-00771-TUC-DCB, ("Now Withdrawn Civil Case").

3) Plaintiff seeks a review of the above-mentioned withdrawn civil case, reversal of all the judgments, and prays for leave to move forward in this Action with just the fraud allegations.

4) Cochise County / Cochise County sheriff's office still controls the original copies of the evidence in the prior civil action; Plaintiff's copies of their false evidence to prevent him from fairly presenting his case or unfairly hampering the presentation of his claims was obtained through discovery is attached to this Action and incorporated herein as exhibits, and referenced to in this Action.

1 5) As Plaintiff wrote in his final motion to withdraw/dismiss Second Amended Complaint:

2 District Court - Plaintiff's Motion to Withdraw/Dismiss Second Amended Complaint

3 Jellison wrote in an email on May 15, 2017 that the Rule 34 Discovery was limited to what Nuti has
4 in his possession; basically, that Cochise County was a non-party and not required to produce any
5 documents. Really, even if CCSO was ordered by this Court to produce documents and
6 recordings, they would do what they did on October 14, 2013; and during time they tried to false[ly]
7 prosecute Plaintiff, they would either fabricate them, or claim they no longer exist. As far as what
8 Nuti has in his possession, Plaintiff received a fabricated CCSO dispatcher's radio log and
9 fabricated July 7, 2012 morning radio transmission. Plaintiff respectfully submits this motion to
10 withdraw Second Amended Complaint and asks the Court to order the defendants bear their own
11 cost for their intentional lying, deceiving, corrupted defense; (Ex. A-13, p. 1, 2)

12 6) the same is true today. If Cochise County / the Cochise County sheriff's office produced their true
13 and complete copies of documents and recordings, as they existed on the date and time of their
14 creation, they would have to admit they lied to the Courts and to the People of Cochise County, and
15 they will not do that; therefore, Plaintiff seeks his only option; to move forward in this Action with
16 tangible evidence on just the 1,330 stand-alone claims against the above-named Defendants, using
17 their false evidence to show their patterns of lying and deceiving the Courts, which resulted in frauds
18 being perpetrated upon this District Court and the Court of Appeals for the Ninth Circuit.

19 II - Most Notably

20 7) Most Notably: "Worthy of the Court's utmost attention;" there may not be in existence a fraud case
21 that comes close to comparing with the one before this Court. The evidence shows the targets of their
22 frauds were not limited to the Federal Courts. The Justice of the Peace Court in Sierra Vista, Arizona
23 was also the victim of their fraud, and the Cochise County sheriff's office's false criminal investigation /
24 fabricated criminal case against Plaintiff was moving toward the Cochise County Superior Court; with
25 the Court and Jury being the intended targets of their frauds. Hard to believe, but true, Cochise County
26 Defendants teamed up with a seasoned attorney and brought the same fraud into, and used it in, the
27 Federal Courts; omitting what then, now ex-deputy, James Nuti, Jr. fabricated using Cochise County
28 sheriff's office's radio, at the San Pedro River area of State Route 82, the morning of July 7, 2012:
"Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert,"
when they prepared, wrote, and filed about ninety-four mutually agreed upon false arguments in this
Federal Rules of Civil Procedure 60(b)(3) Independent Fraud Action; resulting in injury to Plaintiff.

1 8) Section 1983 provides a civil remedy for the "deprivation of any rights, privileges, or immunities
 2 secured by the Constitution and laws." 42 U.S.C. § 1983. To state a claim under 1983, a plaintiff must
 3 demonstrate that "some person has deprived him of a federal right...that the person who has deprived
 4 him of that right acted under color of state or territorial law." Gomez v. Toledo, 446 U.S. 635, 640, 100
 5 S.Ct. 1920, 1923, 64 L.Ed.2d 572D 1980). The words: "Any Rights" are used in the singular.

6 9) Sixty years ago, July 15, 1959, the United States Supreme Court ruled in Napue v. Illinois 30 U.S.
 7 264, on pages 269-70, quoting the Court of Appeals of the State of New York, who wrote in People v.
 8 Savvides, 1 N.Y.2d 554, 557 (1956): "A lie is a lie, no matter what its subject, and, if it is in any way
 9 relevant to the case, the [attorney] has the responsibility and duty to correct what he knows to be false
 10 and elicit the truth." Nothing has changed in the Courts in sixty years, "A lie is a lie." What has changed
 11 is the Defendants' attitude toward/about lying. The evidence below reveals they believed it was okay
 12 to lie to four Honorable United States Federal Court Judges about ninety-four times in ninety-four false
 13 arguments. Just because these Defendants believed it was okay to lie and to deceive, by writing and
 14 submitting false arguments, the Federal and State Courts have never wavered from long established
 15 standards that it is not okay to lie in a Court of Law and, that is evident in just a few of the many rulings
 16 from the State and Federal Courts presented below.

17 III - Cochise County / Cochise County Sheriff's Office No Longer Controls the Narrative

18 10) In this Independent Fraud Action, Plaintiff does not have to prove that Nuti said the following
 19 using CCSO's radio, at the San Pedro River area of State Route 82 ("S.R. 82") the morning of July 7,
 20 2012:

21 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

22 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 23 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 24 area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

25 11) all Plaintiff has to show in his well-pled factual allegations are those words were clearly written on
 26 the face of Exhibit A-1 (Short Version For Text: "A-1"); therefore, all of Plaintiff's allegations regarding
 27 their frauds are derived from A-1, from which they admittedly used to write all of their false arguments,
 28 when they prepared and wrote their motions and briefs in now withdrawn civil action.

12) For the reasons above, neither Cochise County nor Cochise County Sheriff's Office ("CCSO")

1 are in control of Plaintiff's tangible evidence to present his well pled factual allegations that they
 2 perpetrated frauds upon the Federal Courts; in other words, the documents used in this Action to prove
 3 their frauds are not in Cochise County / CCSO's computer, for them to falsely manufacture for their
 4 false defense, as will be seen below, they are in Plaintiff's possession, in addition to being in the
 5 Courts' computers.

6 IV - Not Fraud Between Parties- October 14, 2013 False CCSO Dispatcher's Radio Log

7 13) Plaintiff was tasked with a painstaking challenge of showing through "tangible" evidence their
 8 third false CCSO dispatcher's radio log, manually manufactured October 14, 2013, and their false
 9 August 22, 2012 ten minute forty-one second copy of the July 7, 2012 morning radio transmissions
 10 from the river area of S.R. 82; they provided to Plaintiff during discovery, were not frauds between
 11 parties; but rather, the manufacturing of the two brought to light the same thought processes used in
 12 their second scheme to perpetrate their frauds upon the Courts; to prevent Plaintiff from fairly
 13 presenting his case. Needless to say, it was very time consuming; perhaps a tad-bit wordy, but, each
 14 of the entries of evidence, even though numerous, is succinct, short and plain statements revealing in
 15 detail what is commonplace in the Cochise County's police/judicial system; where they openly brag
 16 about omitting words from the witness statements and their crime scene recordings, which apparently
 17 do not/did not support their false official narrative, as though it was/is the normal and right thing to do,
 18 when, in reality, and in their many cases, it is called, 1) omissions of facts favorable to the accused, 2)
 19 omissions of exculpatory evidence, and 3) just plain "Lying," as will be revealed later below. Cochise
 20 County's long standing and practiced policy; the omissions of words from their official documents and
 21 recordings, is and has been condemned by the United States Constitution, State Constitutions, and all
 22 Courts, State and Federal, throughout the United States, even those within "This Ninth Circuit."

23 V - Frauds Upon The Court Involve/Implicate Officer Of The Court - Attorney

24 14) Cochise County's and Arizona Counties Insurance Pool's attorney James M. Jellison, did in fact,
 25 colluded/conspired with the other Defendants named in this Action to perpetrate their frauds upon the
 26 Courts, by preparing, writing, and filing all their mutually agreed upon false arguments in their motions
 27 in this United States Federal District Court, Tucson, Arizona ("District Court"), and in their briefs in the
 28 United States Court of Appeals for the Ninth Circuit, San Francisco, California ("Ninth Circuit"), which

1 affected the ability of the Courts to impartially judge Plaintiff's case; attorney James Jellison did the
 2 proceeding when he knew or should have known that his actions would/did violate the United States
 3 Constitution's Fourteenth Amendment and the Arizona Rules of Professional Conduct: ER 3.3 Candor
 4 Toward the Tribunal, which apply to all the false arguments listed below:

5 Arizona Rules of Professional Conduct

6 AZ-ER 3.3(a) identifies four separate, but related, duties which a lawyer owes to a tribunal:

- 7 1. a lawyer may not make a false statement of fact or law to a tribunal;
- 8 2. a lawyer may not fail to correct a false statement of material fact or law previously made by the
 lawyer to a tribunal;
- 9 3. a lawyer must affirmatively disclose adverse, controlling precedent that is not discovered or
 10 disclosed by opposing counsel; and
- 11 4. a lawyer may not knowingly offer false evidence and, if the lawyer later learns that material
 12 evidence the lawyer has presented to a tribunal was false, the lawyer has an affirmative obligation to
 take reasonable remedial measures.

13 3.3:600 Remedial Measures Necessary to Correct False Evidence

14 AZ-ER 3.3(a)(3): "If a lawyer, the lawyer's client...has offered material evidence and the lawyer
 15 comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if
 necessary, disclosure to the tribunal" "It is for the tribunal then to determine what should be done..."

16 AZ-ER 3.4(b): a lawyer shall not "participate in the creation or preservation of evidence when he
 17 knows or it is obvious that the evidence is false." "an attorney may not "falsify evidence..."

18 ER 8.4 Misconduct

19 It is professional misconduct for a lawyer to: (a) violate or attempt to violate the Rules of Professional
 Conduct...(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation...

20 15) The Ninth Circuit noted that "one species of fraud upon the court occurs when an 'officer of the
 21 court' perpetrates fraud affecting the ability of the court or jury to impartially judge a case," Pumphrey v.
 22 Thompson Tool Co., 62 F.3d 1128, 1130 (9th Cir. 1995). In re Intermagnetics America, Inc. 926 F.2d
 23 912, 916 (9th Cir. 1991), Rule 60(b) does not limit the power of a court to entertain an independent
 24 action to set aside a judgment for fraud upon the court. This Court recently approved the following
 25 definition of fraud upon the court proposed by Professor Moore: "Fraud upon the court" should, we
 26 believe, embrace only that species of fraud which does or attempts to, defile the court itself, or is a
 27 fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual
 28 manner its impartial task of adjudging cases that are presented for adjudication. 7 J. Moore J. Lucas,

1 Moore's Federal Practice, 60.33, at 515 (2d ed. 1978)

2 16) As an officer of the court, an attorney has a duty to be completely honest in conducting litigation.
3 Professor Moore wrote, "While an attorney should represent his client with singular loyalty, that loyalty
4 obviously does not demand that he act dishonestly or fraudulently; on the contrary his loyalty to the
5 court, as an officer thereof, demands integrity and honest dealing with the court. And when he departs
6 from that standard in the conduct of a case he perpetrates fraud upon a court."

7 17) The Tenth Circuit in *Weese v. Schukman*, 98 F.3d 542, 553 (10th Cir. 1996) noted "fraud on the
8 court should embrace only that species of fraud which does or attempts to, subvert the integrity of the
9 court itself, or is a fraud perpetrated by officers of the court." The Eleventh Circuit noted the same in
10 *Kerwit Med. Prods., Inc. v. N. & H. Instruments, Inc.*, 616 F.2d 833, 837 (11th Cir. 1980). Tenth Circuit
11 noted in *United States v. Buck*, 281 F.3d 1336, 1342 (10th Cir. 2002) (citing *Bulloch v. United States*,
12 763 F.2d 1115, 1121 (10th Cir. 1985)), "Generally speaking, only the most egregious misconduct, such
13 as...fabrication of evidence, by a party in which an attorney is implicated will constitute a fraud on the
14 court." *Rozier v. Ford Motor Co.*, 573 F.2d 1332, 1338 (5th Cir. 1978). The Sixth Circuit in *Demjanjuk v.*
15 *Petrovsky*, 10 F.3d 338, 348 (6th Cir. 1993), characterized fraud upon Courts "as a scheme to interfere
16 with the judicial machinery performing the task of impartial adjudication, as by preventing the opposing
17 party from fairly presenting his case..." Sixth Circuit case also set forth the five elements of fraud upon
18 the court which consist of conduct: "1. On the part of an officer of the court; 2. That is directed to the
19 'judicial machinery' itself; 3. That is intentionally false, willfully blind to...truth, or is in reckless disregard
20 for the truth; 4. That is a positive averment, or is concealment, when one is under a duty to disclose; 5.
21 That deceives the court," *Id.*, 348.

22 18) Plaintiff, in this Action, has met the burden of showing Defendants "sentiently set in motion some
23 unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate
24 a matter by improperly influencing the trier; unfairly hampering the presentation of [Plaintiff's] claims:"
25 the District Court - Southern District - New York wrote in *Mcmunn v. Memorial Sloan-Kettering Cancer*
26 *Center*, 191 F. Supp.2d 440, 445 (2002): Fraud upon the court is "fraud which seriously affects the
27 integrity of the normal process of adjudication." *Gleason v. Jandrucko* 860 F.2d 556, 559 (2d Cir. 1988)
28 [A] fraud upon the court occurs where it can be demonstrated, clearly and convincingly, that a party has

1 sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's
 2 ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the
 3 presentation of...opposing party's claim or defense. Our judicial system generally relies on litigants to
 4 tell the truth and participate in discovery in good faith. Cf. *United States v. Turns*, 198 F.3d 584, 587-88
 5 (6th Cir. 2000) ("Our system of justice relies, in large part, on the theory that when a person takes the
 6 witness stand and swears to tell the truth, that he or she will in fact do so."); *United States v. Leon-*
 7 *Reyes*, 177 F.3d 816, 823 (9th Cir.1999) ("our [criminal] justice system relies on witnesses telling the
 8 truth"); *Doe, [v. Federal Grievance Comm. (In re Grievance Comm. of the United States Dist. Ct., Dist.*
 9 *of Conn.)*, 847 F.2d 57, 64 (2d Cir.1988) (Graafeiland, J., concurring),] at 63 (attorney has an ethical
 10 duty to disclose a fraud upon the court of which he knows); *Solar Turbines, Inc. v. United States*, 14
 11 *Cl.Ct.* 551, 553 (1988) ("our system of justice generally relies upon the basic honesty of most
 12 individuals...harsh sanctions for perjury, and a panoply of rights concerning discovery and cross-
 13 examination"). Thus, when a party lies to the court and his adversary intentionally, repeatedly, and about
 14 issues that are central to the truth-finding process, it can fairly be said that he has forfeited his right to
 15 have his claim decided on the merits. This is the essence of a fraud upon the court.

16 18) In the Action before this Court, all the above occurred, with the exception of perjury, which was
 17 planned, when Defendants manufactured their false October 14, 2013 document; prepared their false
 18 August 22, 2012 recording for their false defense, sixty days prior to them preparing, writing, and filing
 19 their mutually agreed upon false arguments in their motions in District Court and in their briefs in the
 20 Ninth Circuit, which began and did continue in the Federal Courts for about three years, ten months,
 21 thirteen days - October 14, 2013 - July 27, 2017!

22 VI - Not Time Barred

23 19) Dealing with this at the beginning, Independent Actions for Fraud Upon the Courts are not time
 24 barred in Arizona, likewise, F.R.Civ.P. 60(b)(3), 60(d) Other Powers to Grant Relief. This rule does not
 25 limit a court's power to: (1) entertain an independent action to relieve a party from a judgment, order,
 26 or proceeding; an "Independent Action" involving fraud upon the Courts, is somewhat limited by time,
 27 but is not held to the "standard of the one year after the judgment rule."

28 20) Ninth Circuit, in their unpublished opinion, quoted *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*,

1 322 U.S. 238, 244 (1944) “federal courts have the inherent power to grant relief against judgments for
2 “after-discovered fraud.” *Bichindaritz v. Univ. of Wash.*, No. 14-35016 (9th Cir. Sep. 15, 2015).

3 21) Tenth Circuit in *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985) held, Rule 60(b)
4 does not impose a time limit on motions asserting fraud on the court. The rule also, of course, recites
5 that it does not limit the power of the courts to consider independent actions to relieve a party from a
6 judgment.”

7 22) Ninth Circuit held, a “party who presented fraudulent evidence cannot disclaim its effectiveness
8 after the fact.” *Pumphrey v. K.W. Thompson Tool Co*, 62 F.3d 1128 (9th Cir. 1995)

9 23) Arizona's Court of Appeals, Division 1, *Ernest Alvarado v. The Honorable Peter A. Thompson*,
10 Judge of the Superior Court of the State of Arizona, in and for the County of Maricopa, No. 1 CA-SA
11 16-0051, May 31, 2016: the Court found there was fraud upon the Court in a paternity case, and the
12 Court addressed special / independent actions for fraud not being time-barred. “*Cypress on Sunland*
13 *Homeowners Ass'n v. Orlandini*, 227 Ariz. 288, 299-300, 43 (App. 2011) (noting judgment obtained by
14 fraud upon the court may be set aside “without regard to time limits because such fraud harms the
15 integrity of the judicial process, and is a wrong against the institutions set up to protect and safeguard
16 the public”)...*McNeil v. Hoskyns*, 236 Ariz. 173, 176-77, 14 (App. 2014)...*Bates v. Bates*, 1 Ariz. App.
17 165, 169 (1965) (noting fraud upon the court...“justifying equitable relief against a judgment or decree,
18 means some intentional act or conduct by which the prevailing party has prevented the unsuccessful
19 party from having a fair submission of the controversy”). Fraud upon the court is “the most egregious
20 conduct involving a corruption of the judicial process itself.” *Lake v. Bonham*, 148 Ariz. 599, 601 (App.
21 1986). When a judgment is the product of fraud upon the court, “equity will act to prevent a failure of
22 justice, for fraud is the arch enemy of equity.” *Bates*, 1 Ariz. App. At 168. Defendants named herein,
23 who perpetrated their frauds upon this Court and upon the Ninth Circuit are “Arch Enemies” of the
24 American Judicial System!

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TABLE OF CONTENTS

I - Jurisdiction, 1

II - Most Notably, 2,

III - Cochise County / Cochise County Sheriff's Office No Longer Controls the Narrative, 3

IV - Not Fraud Between Parties - October 14, 2013 False CCSO Dispatcher's Radio Log, 4

V - Frauds Upon The Court Involve/Implicate Officer Of The Court - Attorney, 4
Arizona Rules of Professional Conduct, 5

VI - Not Time Barred, 7

TABLE OF CONTENTS, 9-17

VII - "Tangible" Evidence, 20

A - Plaintiff's Tangible Evidence, 20

B - Tangible Evidence Will Be Required By Defendants, 20

C - Evidence Conclusively Demonstrates Fraud - Bar Set Too High, 20

D - Excerpts Of Plaintiff's Tangible Evidence, 21-23

VIII - PLAINTIFF, 24

IX - DEFENDANTS, 24

1 - Defendant Cochise County, 24

2 - Defendant Arizona Counties Insurance Pool, 25

3 - Defendant James M. Jellison / James M. Jellison Law Offices, 25

4 - Defendant Forest Hauser, 26

5 - Defendant Sean Gijanto, 26

6 - Defendant Allison Hadfield, 26

7 - Defendant Nathanael Tasch, 26

8 - Defendant Carol Capas, 27

9 - Defendant James Nuti, Jr., 27

X - Quotes From Exhibits ("Ex."), 28

XI - Short Introduction, 28

A - The Patterns Of Their Frauds Upon The Courts, 28

1 - Two False CCSO Dispatcher's Radio Logs - "On Site", 29

2 - False Arguments Motions / Briefs "And Then", 29

a - Two Motions - One Brief - Four False Arguments, 29

b - Four False Arguments, 30

B - Art And Skill Of Deceptive Writing - Using False Documents/Recordings, 30

C - "And Then" - Not A Shortened Version, 33

- D - False Arguments Created A False Face-To-Face Encounter Only, 33
- E - False Arguments - To Establish Probable Cause - To Obtain Qualified Immunity, 34
- F - Words "And Then" Inserted, 34
- G - Methodically Calculated Deception, 34
- H - No Signed Confession, But..., 34
- I - Defendant's Actions Involved Five Separate Elements, 34
- J - Redundancies - Necessary, 35
- K - Same False Arguments Were Used Eight Months Apart, 35
- L - Defendants Focused All Their False Arguments Around One Issue - What Nuti Said, 36
- M - Then-Sheriff Larry Dever's Facebook Page Public Alert, 36
- N - Years Devoted To Withholding/Concealing Nuti's River Radio Transmissions, 36
- O - The Only Conclusions That Can Be Reached, 37
- P - Diversion Tactics, 38
- Q - Fraud Civil or Criminal, 38
- XII - Reference To Defendants, 39
- XIII - Stand-Alone Claims Apply To Each Defendant Individually, 39
- XIV - FRAUDS PERPETRATED UPON THE COURTS, 40
- XV - Omission Of Fifteen Words In Four False Arguments, 40
 - 1 - District Court - Defendants' Motion To Dismiss - December 13, 2013, 40
 - 2 - District Court: - Defendants' Motion In Support Of Motion To Dismiss - December 27, 2013, 40
 - 3 - Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014, 40
 - 4 - Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014, 41
- XVI - FALSE CCSO DISPATCHER'S RADIO LOG, 41
 - A - Intent To Begin And Continue Frauds Upon Courts - Both State and Federal, 41
- XVII - FOUNDATION LEADING UP TO FRAUDS IN COURTS, 42
 - 1 - False Cochise County sheriff's office Dispatcher's Radio Log - October 14, 2013, 42
 - a - October 14, 2013 - False CCSO Dispatcher's Radio Log, 44
 - b - October 14, 2013 Dissemination Record, 45
 - 2 - High Ranking Fraud At CCSO - October 14, 2013 - False CCSO Dispatcher's Radio Log, 45
 - 3 - Tangible Evidence Supporting the Preceding, 46
 - 4 - Pattern Of Omitting Conversations Between CCSO Dispatcher's and Nuti, 46
 - a - November 5, 2012 Dispatcher's Radio Log, p. 1 - Unit: C-148 (Nuti)... "On Site", 47
 - b - November 28, 2012 Dispatcher's Radio Log, p. 1 - Unit: C-148 (Nuti)... On Site, 49
 - 5 - Discrepancies In November 5 & 28, 2012 CCSO Dispatcher's Radio Logs, 52
 - 6 - Timeline Of Hadfield Closing And Opening Radio Channel, 52
 - 7 - November 28, 2012 - CCSO Dispatcher's Radio Log - "Open Channel", 53
 - 8 - Timeline: David Morgan's Request For July 7, 2012 Radio Transmissions Recording, 54
 - 9 - Then-Sheriff Larry Dever's Facebook Page Public Alert, 55

- 10 - Cochise County Sheriff's Office Policy Manual - Public Alerts, 55
- 334.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES, 55
- 11 - August 22, 2012 CCSO Produced/Delivered False July 7, 2012 Radio Transmissions Recording, 56
- 12 - Then-Sheriff Larry Dever's Unwritten Policy/Procedure, 56
- 13 - CCSO's/Dever's Aforementioned Unwritten Policy/Procedure Used In Federal Courts, 57
- 14 - Audio Phone Recording Edited Into False July 7, 2012 River Radio Transmissions CD, 57
- 15 - Cochise County Sheriff's Office 132nd Birthday Video, 58
- 16 - CCSO Marquita Quoted Verbatim What Dispatcher Logged, 60
- 17 - CCSO Marquita Did Not Hear Nuti's Earlier Radio Transmission - She Arrived After, 60
- 18 - CCSO Inserted Audio Phone Recording Into False 10 Min. 41 Sec. False Audio Radio Recording, 61
- 19 - Nuti Admitted He Lied About Plaintiff Pointing Gun At Him, 61
- 20 - Group Decision To Change Nuti's Fabricated River Radio Transmission. 62
- 21 - Radio Transmission From Portable Radio, 63
- 22 - Morgan/Vierra Sought CCSO's Entire July 7, 2012 Radio Transmissions Recording, 63
- 23 - October 17, 2012 - David Morgan Phone Conversation With Attorney Terry Bannon,
a - CCSO "Lied:" Said They Have No Way To Redact Portions Of 90 Min. Radio,
Transmissions, 64
- 24 - Plaintiff Encouraged Morgan to Keep Trying to Get Entire July 7, 2012 Radio Transmissions, 65
- 25 - October 25, 2012 Morgan - Scheduled Three-Way Phone Call With Attorney Bannon, 65
- 26 - October 26, 2012 - David Morgan - Terry Bannon - Carol Capas - Phone Conversation, 66
- 27 - Morgan Reiterated In Email What He Said To Capas - Both Audio Recording And Radio Log, 66
- 28 - Plaintiff Sought From CCSO Entire July 7, 2012 Radio Transmissions Recording, 67
- 29 - CCSO Destroyed July 7, 2012 Radio Transmission Pursuant To Policy, 67
- 30 - Communications Retention-[Carol] Capas - 11/17/00 - Radio Recordings: 90 Days, 69
- 31 - CCSO Deceptively Used The Year 2000 - 90 Day Retention Policy, 70
- 32 - Cochise County Sheriff's Office-2012 -13-Policy Manual-450.7.1 Retention Requirements, 70
- 33 - CCSO Policy - Withhold Radio Transmission - Dispatcher's Radio Log, 70
- 34 - Response To Morgan's October 11, 2012 Public Records Request-Radio Transmission, 71
- 35 - Discovery - Plaintiff Received False Ten Minute Forty-One Second Radio Transmissions, 72
- 36 - CCSO Caught Lying About 90 Day Retention Periods, 73
- 37 - Admission Of Intentional Omission Of Words - Hidden In Plain View For Years, 74
Grant boosts sheriff, county attorney - By Michael Sullivan - September 1, 2005, 75
- 38 - Master Deputy Allison Hadfield - July 7, 2012 - October 14, 2013 - False Radio Log, 75
- 39 - Deputy Nathanael Tasch - July 7, 2012 - October 14, 2013 - False Radio Log, 77
- 1 - Deputy Tasch Propensity For Omitting Exculpatory Evidence
Falsifying Documents - September 11, 2013, 79
- a - Tasch Colluded/Conspired With Deputy Wendy Adney - Jonathan Miller's False Statements, 79

- 1 b - Tasch Omitted Jonathan Miller's False Statements From Report, 79
- 2 c - Background To Tasch Writing False Information In His September 12, 2013 Report, 80
- 3 d - Tasch Fabricated Report - Watkins Holding Gun On Subject - Wrong Address, 81
- 4 e - History Of Movements, 81
- 5 f - Tasch Saw Watkins Pointing Gun At Subject (Roger Wilson), 82
- 6 g - CCSO Deputy Jeremy Peuschold Arrived- address #2:-Exposed Watkins' Radio
7 Fabrication, 82
- 8 h - CCSO Deputy Wendy Adney Colluded/Conspired With Tasch, 85
- 9 i - Dispatcher's Radio Log - Roger Wilson – Original Printout From CCSO Computer, 86
- 10 j- CCSO Dispatcher's Radio Logs - Roger Wilson Case - September 11, 2013, 87
- 11 k - Partial CCSO Dispatcher's Radio Logs - Roger Wilson Case - September 11, 2013, 87
- 12 l - Motive For Concealing Watkins Pointed Gun At Roger Wilson
13 Abusive Interrogation / Investigation Absent Miranda Warnings, 88
- 14 m - Roger Wilson Bleeding Profusely, 88
- 15 n - Wilson's Bond Hearing - Tasch Only Interested In Questing Roger Wilson, 88
- 16 o - Roger Wilson Viewed As Uncooperative - Did Not Want To Answer Questions, 89
- 17 p - CCSO Deputy Nathanael Tasch Shoved Roger Wilson's Injured Body Against Wall, 89
- 18 q - Roger Wilson's Aunt: Sharon Washam's Statement - Roger Unjustifiably Shoved Against
19 Wall, 89
- 20 r - CCSO Deputy Tasch Reveals Propensity For Violence Toward Wilson and Lack of
21 Caring, 90
- 22 s - Tasch's Statement to Deputies at 4961 Santa Aurelia Ave - Wilson: "Dickhead", 90
- 23 t - Tasch Further Revealed a Propensity for Violence / Strong-Arm Tactics Toward Accused, 90
- 24 u - CCSO Deputy Nathanael Tasch - Pissed Off Wilson Would Not Answer Questions, 90
- 25 v - CCSO Lieutenant Curtis Wilkins ("Wilkins"), 90
- 26 w - CAO Prosecutor James Glanville ("Glanville"), 92
- 27 39 - Arizona Police Certified-Ex-Deputy James Nuti, Jr. - Knew He Fabricated Evidence, 93
- 28 a - Deputy James Nuti, Jr. - July 7, 2012 - Withheld Fabricated Evidence From Report, 94
- b - Arizona Police Certified - Ex-Deputy James Nuti, Jr. - October 14, 2013, 94
- c - Nuti Provided To Plaintiff False
October 14, 2013 CCSO Dispatcher's Radio Log
August 22, 2012 Ten Minute Forty-One Second Radio Transmissions Recording, 95
- d - James Nuti, Jr. - Ninth Circuit Ruling - Cheap Generic Entertainment, 95
- e - James Nuti, Jr.'s August 21, 2016 Facebook Picture, 96
- 40 - CCSO Records Supervisor Carol Capas - October 14, 2013 - False CCSO Radio Log, 97
- a - Capas Revealed Propensity For Lying On Behalf Of CCSO / Deputies, 98
- 41 - Lieutenant Sean Gijanto - October 14, 2013 - False CCSO Radio Log, 103
- a - Lieutenant Sean Gijanto - Propensity For Omission Of Facts Favorable To Accused, 104
- b - Gijanto - Power Ranger: "Makes His Own Rules", 105
- c - Gijanto - Cover-Up / Murder of Cameron Alexander King, 106
- d - Gijanto - Body Bag F.B.I.'s Office, 107

e - April 22, 2013, Plaintiff Openly Confronted Gijanto For Falsely Reinstating Norris, 107
 f - Written Questions To Lt. Sean Gijanto, 108
 g - Gijanto - No Supplemental Report On Consultation, 111
 42 - Commander Forest Hauser - October 14, 2013 - False CCSO Radio Log, 112
 1 - Commander Forest Hauser - Directly Involved In CCSO's False Criminal Case, 112
 a - Hauser Reviewed Nuti's Use Of Force Report, 112
 b - Hauser Reviewed Kenneth Foster's Report, 113
 c - Hauser Reviewed Tod Linendoll's Report, 113
 d - CCSO Reviews Radio Transmissions Related To Incident As Part Of Investigation, 113
 e - Nuti Reported To Hauser, 113

XVIII – Summary, 114

XIX - Plaintiff's Presentation Of Their Frauds Perpetrated Upon The Courts, 115

XX - Attorney James M. Jellison (Jellison), 117

XXI - Jellison's "Extensive Experience" As Criminal Defense Attorney, 117

A - Jellison - Senior Criminal Defense Counsel, 117

B - Jellison - Extensive Experience - Criminal Defense, 117

C - Jellison - Not A True Marine, 118

XXII - Jellison And The Other Defendants Read Allegations On The Face Of A-1, 118

A - Nuti Fabricated Evidence - Radio - July 7, 2012 - (Beginning) 9:43 a.m., 118

B - CCSO's Facebook Page - Nuti's Fabricated Radio Transmission-July 7, 2012-10:06 p.m., 118

C - Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m., 118

D - This Is A Comparison Of Two Fabricated Accounts, 119

E - Six Contradictory Statements Written On The Face Of Ex. 1, 119

1 - No. 1-2 - Standing - Walking, 119

2 - No. 3-4 - Had Fled Into The Desert - Still On S.R. 82, 119

3 - No. 5-6 - Pointed Weapon At Nuti - Pointed Handgun Toward Ground, 120

XXIII - Jellison Rearranged Nuti's Two Fabricated Statements, 120

A - Jellison - Other Defendants - Knew Nuti Framed Plaintiff, 121

XXIV - Who Prepared The False Arguments, 121

A - Jellison, Hauser, Gijanto, Hadfield, Tasch, Capas, and Nuti Wrote Arguments, 121

Defendant's Response To Motion For Judicial Notice Document 39 p.3, 121

Email: Jellison To Plaintiff - July 21, 2017 All Arguments Based On Plaintiff's Allegations, 121

XXV - Defendants Culled Through Complaint [A 1], 121

A - The Complete Sentence At One Time Served Their Purposes - Then It Didn't, 122

B - Hauser, Gijanto, Hadfield, Tasch, Capas, Nuti Culling Words-Normal Routine At CCSO/CAO, 123

- 1 XXVI - Omitting Fifteen Of Nineteen Words To Eliminate Contradictions In Nuti's Two Fabricated
2 Statements, 124
- 3 XXVII - Omission of Fifteen Words - Addition of "And Then" - Four Times, 125
- 4 XXVIII - Had - Precise Meaning, 127
- 5 XXIX - Jellison - False Statement Of Fact To Tribunal, 128
6 Arizona Legal Ethics 3.3:200 - False Statements to a Tribunal, 128
- 7 XXX - Using Truth / Honesty Could Not Make Defendants' Case For Probable Cause, 128
- 8 XXXI - Professional Misconduct To Engage In Conduct Involving Fraud, 130
9 Arizona Rules of Professional Conduct
10 ER 3.3 Candor Toward The Tribunal
- 11 XXXII - Use Of Two False Cases Reveal Intent To Perpetrate Fraud Upon The Courts, 131
12 A - False Case Argument Preceding False Arguments
13 Reveal Intent To Perpetrate Frauds Upon The Courts
14 Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), 131
15 B - False Case Argument Following False Argument
16 Reveal Intent to Perpetrate Frauds Upon Courts
17 United States v. Lopez, 482 F.3d 1067, 1072 (9th Cir. 2007), 132
18 C - False Statements of Law to Tribunal, 134
19 Arizona Rules of Professional Conduct
20 ER 3.3 Candor Toward The Tribunal, 134
- 21 XXXIII - Defendants Revealed Their Goal Was To Establish Face-To-Face Encounter Only, 134
22 A - District Court - Face-To-Face Encounter - Sequence Of False Arguments Of Events, 134
23 1 - Face-To-Face Encounter, 135
24 a - Nuti Approached Plaintiff On A Highway...It Was Unsafe To Be On The Road, 135
25 b - Pointing A Weapon At Nuti / Otherwise Displaying A Handgun Pointed At The Ground, 136
26 c - Plaintiff "Then" Fled Into The Desert, 139
27 B - Ninth Circuit - Face-To-Face Encounter - Sequence Of False Version Of Events, 139
28 1 - Face-To-Face Encounter, 139, 140
a - Deputy James Nuti, Jr. Approached Plaintiff On A Public Roadway To Have A Dialogue, 140
b - At Which Time Plaintiff Then Pointed Or Displayed A Handgun, 141
c - Plaintiff "Then" Fled The Scene, 144
- XXXIV - Plaintiff Falsely Portrayed As Having Engaged In Criminal Activity In False Arguments, 144
A - Pointed / Displayed Handgun - Safety - Probable Cause - Criminal Activity, 145
1 - When Plaintiff Either Pointed Or Displayed A Handgun, 145
2 - Upon Deputy Nuti Inquiries Regarding Plaintiff's Safety On The Highway, 148
3 - There Was, At Least, Arguable Probable Cause For Criminal Activity, 149

4 - Criminal Activity Including A.R.S., 150

B - False Analysis - Fourteen Days Later, 152

1 - Analysis That Probable Cause - Arguable Probable Cause, Exists, 153

2 - Violations Of A.R.S., 156

3 - Whether Plaintiff Pointed Gun/Displayed Weapon During Encounter, 158

C - Pointed Or Displayed Gun / Safety / Probable Cause / Criminal Activity - A.R.S. §13, 160

1- Plaintiff Either Pointed Or Displayed A Handgun, 160

2 - Upon Deputy Nuti Inquiries Regarding Plaintiff's Safety On The Highway, 162

3 - There Was, At Least, Arguable Probable Cause For Criminal Activity, 163

4 - Criminal Activity Including A.R.S. §13, 165

D - Only Two Versions - Neither Actions Legal,

No Alternative View - Criminal Activity: A.R.S. §13, 168

1 - Vierra's Complaint [A-1] Alleges Only that Nuti Provided Two Versions, 169

2 - Neither Of Vierra's Alleged Actions Are Legal, 172

3 - Vierra's Complaint Does Not Allege An Alternative View Of The Facts, 173

4 - Vierra Conduct, In Either Of The Two Forms, Alleged In Complaint [A-1], 173

5 - Provides Probable Cause Arguable Probable Cause, 175

6 - False Arguments Using Arizona Revised Statutes, 177

XXXV - CCSO Deputy Nathanael Tasch ("Tasch"), 179

A - Tasch Knew Vierra Either Pointed A Gun At Nuti,
Or Displayed And Pointed A Gun At The Ground, 179

1 - Tasch Knew Nuti Fabricated Evidence, 180

a - Tasch Within Earshot Of Radio, 180

b - Circumstances Tasch Was Able To Hear Nuti's Radio Transmissions, 181

c - Tasch Conveyed Nuti's Second Fabricated River Version, 181

d - Tasch Had The Duty To End Nuti's Fabricated Case

Learned Nuti Gave Two Contradictory Statements, 181

e - Tasch Conspired By Omission With Nuti To Conceal Nuti's Fabricated Evidence, 181

f - Neither Hadfield Nor Tasch Wrote A July 7, 2012 River Report, 182

g - Tasch Continued Investigation Knowing Plaintiff Was Innocent, 182

h - Tasch Caused Deprivations Of Due Process - Liberty,

Literal Endangerment Of Plaintiff's Life - Emotional Distress, 182

B - Vierra Either Pointed Gun At Nuti, Or Displayed It - Routine Contact, 183

C - There Was Probable Cause (Or Arguable Probable Cause), 185

D - Assault Under Arizona Revised Statutes, 186

XXXVI - CCSO Master Deputy Allison Hadfield And Deputy Nathanael Tasch, 189

A - Full Range Of Patterns - Written On The Face Of A-1,
Nuti's Fabrications - What Nuti Said At The River, 189

- 1 - Nuti Fabricated Evidence, 189
- 2 - Hadfield - Tasch Knew Nuti Fabricated Evidence, 190
- a - Hadfield - Tasch Within Earshot Of Radio, 190
- b - Circumstances Hadfield - Tasch Were Able To Hear Nuti's Radio Transmission, 190
- c - Hadfield Reviewed Fabricated Evidence - Nuti's River Report, 190
- d - Tasch Conveyed Nuti's Second Fabricated River Version, 191
- e - Hadfield - Tasch Had The Duty To End Nuti's Fabricated Case,
They Learned Nuti Gave Two Contradictory Statements, 191
- f - Hadfield - Tasch Conspired By Omission With Nuti To Conceal Nuti's Fabricated Evidence, 191
- g - Neither Hadfield Nor Tasch Wrote July 7, 2012 River Report, 192
- h - Hadfield - Tasch Continued Investigation - Knowing Plaintiff Was Innocent, 192
- i - Hadfield - Tasch Cause Deprivations of Due Process - Liberty
Literal Endangerment Of Plaintiff's Life - Emotional Distress, 192
- j - Hadfield -Tasch Experience - Knew Actions Would Violate
[Plaintiff's] Constitutional Rights / Endanger [Plaintiff's] Life, 192
- k - CCSO Posted Nuti's River Radio Transmission - July 7, 2012 - 10:06 p.m., 192
- l - Morgan/Vierra Tried To Obtain Nuti's July 7, 2012 Fabricated Radio Transmissions, 193
- m - Edited Copy Of July 7, 2012 Radio Transmission, 193
- n - CCSO Refused To Provide Full Version Of Nuti's Fabricated River Radio Transmission, 194
- o - CCSO's False Dispatcher's Radio Logs, 194
- p - CCSO's False Dispatcher's Radio Logs - "On Site", 194
- XXXVII - District Court - Ninth Circuit - False Arguments Motions / Briefs - "And Then", 195
- XXXVIII - District Court - Ninth Circuit - False Arguments To Conceal
Hadfield And Tasch Knew About Nuti's Contradictory Statements, 196
- A - "And Then" Fled Into The Desert, 197
- B - Hadfield - Tasch Knew Nuti Fabricated Evidence, 201
- XXXIX - Using Truth / Honesty Could Not Make Probable Cause Arguments For Hadfield - Tasch, 204
- XL - Deputies Tasch And Hadfield...Took No Steps To Cease The Efforts To Locate Plaintiff, 208
- XLI - District Court - Ninth Circuit - Hadfield And Tasch - Confined False
Arguments To Nuti's Two Fabricated Statements About Gun, 209
- A - District Court:
 - 1 - Plaintiff's Complaint [A-1] Alleges Nothing More Than, 209, 210
 - 2 - Hadfield And Tasch Continued To Look For Plaintiff With Knowledge
Nuti Said Plaintiff Pointed Gun At Him / Displayed The Gun, 209 214
 - 3 - No Clearly Established Case Law, Nor Are The Defendants Aware Of Any, 209, 219
These Allegations Do Not Amount To A Constitutional Violation Of Any Kind, 209, 219
 - 4 - Arguably Illegal Versions, Of The Suspect's Actions, 209, 224
- B - Ninth Circuit:
 - 1 - Plaintiff's Complaint [A-1] Alleges Nothing More Than / Offers Nothing Other Than, 210

- 2 - Hadfield And Tasch Continued To Look For Plaintiff With Knowledge
- Nuti Said Plaintiff Pointed Gun At Him / Displayed The Gun, 209, 214
- 3 - No Clearly Established Case Law, Nor Are The Defendants Aware Of Any, 209, 219
- 4 - Inculpatory Versions, Of The Suspect's Actions, 209, 224

XLII - Revealed Intent To Write False Arguments Concerning Hadfield and Tasch
Vierra Discusses His Allegations Against Hadfield In His Brief On Pages 9, 228
A - Hadfield Read Nuti's River Report - Nuti Admitted
Lying About Plaintiff Pointing A Gun At Him, 228
Arizona Rules of Professional Conduct
ER 3.3 Candor Toward The Tribunal
Duty To Disclose
3.3:600 Remedial Measures Necessary to Correct False Evidence, 229

XLIII - James Nuti, Jr., 237

XLIV - Plaintiff Concludes This Action With Defendant's Bizarre Arguments, 238
1 - Plaintiff's Complaint [A-1] Never Specifically Alleges What Nuti Supposedly Fabricated, 238, 239
2 - Complaint [A-1] Suggests Fabrication Is Seen By The Two Differing Reports, 238, 240
3 - Plaintiff Does Not Plead Facts Showing A Lack Of Probable Cause For Arrest, 238, 241, 242
4 - On The Face Of His Complaint [A-1]...Either Probable Cause / Arguable Probable Cause, 238, 242, 244
5 - Vierra's Complaint [A-1] Does Not Allege Which Version Is True, 238
6 - Vierra's Complaint [A-1]...Does Not Offer Alternative Explanation For Vierra's Actions, 238
7 - Demonstrated Above - Allegations Of Vierra's Complaint [A-1] State Facts Showing Probable Cause, 238
A - Nuti: Vierra Pointed Weapon At Him / Displayed Gun Pointing Weapon Toward Ground, 245
5 - Vierra's Complaint [A-1] Does Not Allege Which Version Is True, 245, 248
6 - Vierra's Complaint [A-1]...Does Not Offer Alternative Explanation For Vierra's Actions, 245, 249
7 - Allegations Of Vierra's Complaint [A-1] State Facts Showing Probable Cause, 251

XLV - False Face-To-Face Encounter, 252
A - When Plaintiff Responded To Nuti's Inquiries Regarding Safety, 252, 253
B - Responded, By Either Pointing / Displaying Handgun, 252, 256
C - Encounter Used In Singular, 252, 257

XLVI - Most Notably, 258

XLVII - Nuti Provided Two Differing Accounts - Both Accounts Support Criminal Activity, 260

XLVIII - Conclusion, 263

TABLE OF CASES

1	
2	Arizona Rules of Professional Conduct, 5
3	Bates v. Bates, 1 Ariz. App. 165, 169 (1965), 8
4	Bichindaritz v. Univ. of Wash., No. 14-35016 (9 th Cir. Sep. 15, 2015), 8
5	Bulloch v. United States, 763 F.2d 1115, 1121 (10 th Cir. 1985), 6, 8
6	CDR Creances S.A.S. v Cohen, 2014 NY Slip Op 03294, N.Y. Court of Appeals. (May 8, 2014), 20
7	Cypress on Sunland Homeowners Ass'n v. Orlandini, 227 Ariz. 288, 299-300, 43 (App. 2011), 8
8	Demjanjuk v. Petrovsky, 10 F.3d 338, 348 (6 th Cir. 1993), 6
9	Denby, et. al. v. City of Casa Grande, et. al., 2:17-CV-00119-SPL, 25
10	Ernest Alvarado v. The Honorable Peter A. Thompson, Judge of the Superior Court of the State of
11	Arizona, in and for the County of Maricopa, No. 1 CA-SA 16-0051, May 31, 2016, 8
12	Federal Rules Civil Procedure (F.R.Civ.P.) 60(b)(3), 1
13	F.R.Civ.P. 60(d)(1), 7
14	F.R.Civ.P. 9(b), 34
15	F.R.Civ.P. 34, 62
16	Farber v. City of Paterson, 440 F.3d 131, 134 (3 rd Cir. 2006), 39
17	Gilbrook v. City of Westminster, 177 F.3d 839, 856-57 (9 th Cir. 1999), 39
18	Gleason v. Jandrucko 860 F.2d 556, 559 (2d Cir. 1988), 6
19	Gomez v. Toledo, 446 U.S. 635, 640, 100 S.Ct. 1920, 1923, 64 L.Ed.2d 572D 1980), 3
20	Griffin v. Breckenridge, 403 U.S. 88 (1971), 38
21	Jerry Hart; Andre Dyer v. City of Little Rock 432 F.3d 801, 806 (2005), 89
22	Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 244 (1944), 7
23	In re Grievance Comm. of the United States Dist. Ct., Dist. of Conn.), 847 F.2d 57, 64 (2d Cir.1988), 7
24	In re Intermagnetics America, Inc. 926 F.2d 912, 916 (9 th Cir. 1991), 5
25	Kerwit Med. Prods., Inc. v. N. & H. Instruments, Inc., 616 F.2d 833, 837 (11 th Cir. 1980), 6
26	Lacey v. Maricopa County, 693 F.3d 896, 911, 934 (9 th Cir. 2012), 38
27	Lake v. Bonham, 148 Ariz. 599, 601 (App. 1986), 8
28	Mcmunn v. Memorial Sloan-Kettering Cancer Center, 191 F. Supp.2d 440, 445 (2002), 6

1 McNeil v. Hoskyns, 236 Ariz. 173, 176-77, 14 (App. 2014), 8
2 People v. Savvides, 1 N.Y.2d 554, 557 (1956), 3
3 Pinkerton v. U. S., 328 U.S. 640 (1946), 38
4 Pumphrey v. K.W. Thompson Tool Co, 62 F.3d 1128 (9th Cir. 1995), 8
5 Rozier v. Ford Motor Co., 573 F.2d 1332, 1338 (5th Cir. 1978), 6
6 Santos v. Gates, 287 F.3d 846, 851 (9th Cir. 2002), 21
7 Solar Turbines, Inc. v. United States, 14 Cl.Ct. 551, 553 (1988), 7
8 U.S. v. Reading Co., 226 U.S. 324, 344 (1912), 39
9 United Bhd. of Carpenters & Joiners v. Scott, 463 U.S. 825, 828-29 (1983), 39
10 United States v. Leon-Reyes, 177 F.3d 816, 823 (9th Cir.1999), 7
11 United States v. Turns, 198 F.3d 584, 587-88 (6th Cir. 2000), 7
12 Weese v. Schukman, 98 F.3d 542, 553 (10th Cir. 1996), 6
13
14
15
16
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18
19
20
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1 VII - "Tangible" Evidence

2 A - Plaintiff's Tangible Evidence

3 24) Plaintiff submits tangible evidence; firstly, that is able to be seen with the eyes, touched and
4 read when printed, or seen and read, heard, or watched in digital format on a computer; secondly, that
5 can be treated as fact; real or concrete, in support of the claims, which is attached to this Action and
6 incorporated herein as exhibits, and referenced to in this Action.

7 B - Tangible Evidence Will Be Required By Defendants

8 25) Tangible evidence will be required by the Defendants, who are identified in this Action as serial
9 liars, serial deceivers, serial corrupters of the judicial process, to disprove allegations and evidence in
10 this Action; merely saying or writing "I did not violate Plaintiff's rights through false arguments, a false
11 document, and a false recording; or using words to that effect, will not suffice. The evidence below, as
12 a whole, shows they all lack credibility and standing in Courts, both State and Federal, and not having
13 integrity, honesty and, the most important, trustworthiness; their words, or bare denials, cannot to be
14 trusted nor relied upon as a defense against Plaintiff's "well-pled factual allegations" in this Action.

15 C - Evidence Conclusively Demonstrates Fraud - Bar Set Too High

16 26) Even though Plaintiff believes his tangible evidence "conclusively demonstrates" frauds upon
17 the Courts, the Court of Appeals in New York cautioned through a reasoned opinion why that standard
18 risks setting the bar too high:

19 Defendants argue...a court must find that the evidence "conclusively demonstrates" fraud.
20 Defendants would impose a standard which requires proof that lies and falsifications are admitted or
undisputed.

21 However, such a standard is theoretically unsupportable, as well as unworkable in practice because
22 it is the unusual and rare case where there will not be some dispute — regardless of its significance
23 to the matter before the court — as to the conduct and its fraudulent nature. Defendants' proposed
24 evidentiary standard would encourage parties to "create a dispute" by merely protesting the truth of
25 the allegations. Such standard would permit fraud to continue, regardless of the viability of the
26 contentions creating the purported "dispute." In other words, defendants' standard would permit a
27 party to escape a court's consideration of claims of egregious acts of deceit by presenting bare
denials of the truth of the allegations. Thus, the "conclusively demonstrates" standard risks setting
the bar too high to prevent and discourage fraud on the court. CDR Creances S.A.S. v Cohen, 2014
NY Slip Op 03294, N.Y. Court of Appeals. Rivera, J. - (May 8, 2014).

28 27) If Defendants choose to deny the allegations, the reasons for each denial must be supported by

1 tangible evidence, documents, recordings, etc.; that which is able to be seen with the eyes, touched
 2 and read when printed, or seen and read, heard, or watched in digital format on a computer; secondly,
 3 that can be treated as fact; real or concrete, in support of the denials, not individual statements, due to
 4 the fact they have been caught "Lying" about ninety-four times to four Honorable United States Federal
 5 Court Judges; thus, they have no credibility. Without tangible evidence, they will merely be presenting
 6 bare denials of the Plaintiff's factual and tangible truths presented in support of the allegations; their
 7 frauds upon the Courts will continue, perhaps another three years, ten months, thirteen days, when
 8 Plaintiff is entitled to immediate relief, i.e., a Judgment in his Favor on all Stand-Alone Claims in this
 9 action: "Now!" The Ninth Circuit ruled in Santos v. Gates, 287 F.3d 846, 851 (9th Cir. 2002). "Judgment
 10 as a matter of law is appropriate when the evidence presented at trial [or to the Court at the outset of
 11 the Action] permits only one reasonable conclusion." Id.

12 D - Plaintiff's Tangible Evidence

13 28) The following list of Plaintiff's Tangible Evidence, attached to this Action and incorporated herein
 14 as exhibits, and referenced to in this Action, are quoted on the pages, hereinafter, to support the
 15 allegations, whether it be snapshots or the words written in each, with a reference to the actual PDF's
 16 or the audio/video recordings, which are attached hereto as Exhibit "A," and "D" in PDF format, and
 17 the audio-video recordings as Exhibits "B," and "C."

18 A-1 Exhibit A

- 19 A-1a - EX A-1 Plaintiff's Second Amended Complaint - Doc. 9 - Sept. 17, 2013
- 20 A-2 - EX A-2 Defendants' Motion to Dismiss - Doc. 24 - Dec. 13, 2013
- 21 A-3 - EX A-3 Plaintiff's Response to Defendants' Motion to Dismiss - Doc. 26 - Dec 23, 2013
- 22 A-4 - EX A-4 Defendant's Reply In Support Of Motion To Dismiss - Doc. 28 - Dec. 27, 2013
- 23 A-5 - EX A-5 Appellants-Defendants Opening Brief - DktEntry 5-1 - Aug 13, 2014
- 24 A-6 - EX A-6 Plaintiff-Appellee's Response to Opening Brief - DktEntry 14 - Sept. 9 2014
- 25 A-7 - EX A-7 Defendants-Appellant's Reply Brief - DktEntry 15 - Sept. 22, 2014
- 26 A-8 - EX A-8 Plaintiff-Appellee's Supplemental Answering Brief - DktEntry 16-1 - Oct. 1, 2014
- 27 A-9 - EX A-9 Defendants-Appellant's Supplemental Reply Brief - DktEntry 23 - Nov. 4, 2014
- 28 B-1 - EX A-10 Plaintiff's Motion For Judicial Notice - Doc. 36 - Sept. 19, 2016
- B-2 - EX A-11 Defendants' Response To Motion For Judicial Notice - Doc. 39 - Sept. 30, 2016
- B-3 - EX A-12 Plaintiff's Reply To Defendants' Response To JN- Doc. 40 - Oct. 3, 2016
- B-4 - EX A-13 Plaintiff's Motion to Withdraw S.A.C. - July 24, 2017
- B-5 - EX A-14 Defendant Nuti's Response To Plaintiff's Motion To Dismiss, Doc. 92,
- C-1 - EX A-15 Plaintiff's F.R.Civ.P. 26(a)(1)Initial Disclosures, Sept. 27, 2013

- C-1a - EX A-15a S.A.C. - Initial Disclosures - Delivered to Defendants Sept. 27, 2013
- C-2 - EX A-16 Nuti Discovery - October 14, 2013 False CCSO Dispatcher's Radio Log
- C-3 - EX A-17 Discovery Notice of Service Doc. 67 - Mar. 30, 2017
- C-4 - EX A-18 Defendants' Cochise Vierra - DFs 1Suppl. disclosure - Apr. 7, 2017
- C-5 - EX A-19 Nuti Disclosure List of Audio-Video Recordings
- C-6 - EX A-20 Ninth Circuit Memorandum - DktEntry 31-1 - Aug. 18, 2016
- C-7 - EX A-21 Appendix 1 p. 1-2 D.C. Ex 8 River Nuti Report 1227 PM 7-7-12

C-8 Exhibit B

- C-8a - EX B-1 Nuti Discovery - Radio_Phone from Dispatch.1st Contact 070712

C-9 Exhibit C

- C-9a - EX C-1 CCSO Whetstone, 7-7-2012 6 p.m. Full Video VTS_01_1

D-1 Exhibit D

- D-1a - EX D-1 Arizona Counties Insurance Pool - June 1, 2016 - \$3,500 Settlement Offer
- D-2 - EX D-2 Jellison Joint_Defense_Agreement-Denby_PINAL
- D-3 - EX D-3 Arizona Counties Insurance Pool - Cochise County
- D-4 - EX D-4 - Larry Dever's Public Alert Facebook Posting - Armed Man - July 7, 2012
- D-5 - EX D-5 - Larry Dever's Public Alert Facebook Posting - Armed Man - July 7, 2012 - HTML
- D-6 - EX D-6 2012 Nov. 5 - CCSO's Fabricated Dispatcher's Radio Log
- D-7 - EX D-7 2012 Nov. 28 - CCSO's Fabricated Dispatcher's Radio Log
- D-8 - EX D-8 Emails For River Radio Transmissions - August 21, 2012-Feb. 1, 2013
- D-8a - EX D-8a Initiation Of Adversarial Judicial Proceedings - July 9, 2012-July 10, 2012
- D-9 - EX D-9 Cochise County Sheriff's Office Policy Manual - Public Alert
- E-1 - EX D-10 Cochise County Sheriff's Office 132nd Birthday Video - Feb. 4, 2013
- E-2 - EX D-11 CCSO Deputy James Nuti, Jr.'s July 7, 2012 Report San Pedro River - S.R. 82
- E-3 - EX D-12 Cochise County Sheriff's Office Policy Manual - 450.7.1 Retention Requirements
- E-4 - EX D-13 Sept. 1, 2005 Grant Boosts Sheriff, County Attorney
- E-5 - EX D-14 CCSO Lt. Sean Gijanto's False Report June 14, 2013- July 2, 2013
- E-6 - EX D-15 CCSO Deputy Tasch's Report - Wilson Case
- E-7 - EX D-16 CCSO Deputy Wendy Adney's Report - Wilson Case
- E-8 - EX D-17 Radio Log - Wilson Case - Sept. 11, 2013
- E-9 - EX D-18 CCSO Deputy Robert Watkins Report - Wilson Case
- F-1 - EX D-19 CCSO Deputy Jeremy Peuschold Report - Wilson Case
- F-2 - EX D-20 CCSO Deputy Brando Reibschied - Wilson Case
- F-3 - EX D-21 Jan. 30, 2014 Bond Hearing - Wilson Case
- F-4 - EX D-22 Sharon Washam's Statement - Roger Wilson's Aunt
- F-5 - EX D-23 CAO Prosecutor James Glanville Listened To Recordings - Wilson Case
- F-6 - EX D-24 Bond Hearing Minute Entry - No Warrant For Jonathan Miller - Wilson Case
- F-7 - EX D-25 Public Records Requests June 20 - July 5, 2013 Gijanto's Report
- F-8 - EX D-26 James Nuti, Jr. - Ninth Circuit Ruling - Cheap Generic Entertainment

- 1 F-9 - EX D-27 Public Records Requests June 20 - July 5, 2013 Gijanto's Report
2 G-1 - EX D-28 CCSO Lt. Sean Gijanto's False Report June 14, 2013- July 2, 2013
3 G-2 - EX D-29 David Morgan's Warning To Vierra, Gijanto is a Power Ranger Mar. 20, 2013
4 G-3 - EX D-30 Cloud_Norris_Reinstatement - Oct. 25, 2012
5 G-4 - EX D-31 Vierra Email To Gijanto - Norris Reinstatement - Apr. 21, 2013
6 G-5 - EX D-32 Vierra's Questions To Gijanto - Norris Reinstatement Apr. 22, 2013
7 G-6 - EX D-33 Gijanto No Supplement On Reasons For Reinstating Norris - May 6, 2013
8 G-7 - EX D-34 Gijanto Reviewed Randall Wilson's Report July 23, 2012
9 G-8 - EX D-35 Hauser In Chain Of Command Reviewed Nuti's Use Of Force Report - July 18, 2012
10 G-9 - EX D-36 Sgt. Kenneth Foster's July 23, 2012 Report - Reviewed By Forest Hauser
11 H-1 - EX D-37 Sgt. Tod Linendoll's July 26, 2012 Report - Reviewed By Lt. Forest Hauser
12 H-2 - EX D-38 CCSO Reviews CCSO Dispatcher Radio Recordings
13 H-3 - EX D-39 Lt - Commander Forest Hauser's June 21, 2013 - Report
14 H-4 - EX D-40 Jellison - Senior Criminal Defense Counsel - Extensive Experience Criminal Defense
15 H-5 - EX D-41 Email - Jellison To Plaintiff - July 21, 2017 - All Arguments Based On Plaintiff's
16 Allegations
17 H-6 - EX D-42 Cochise County Served SAC
18 H-7 - EX D-43 Aug. 15, 2012 CAO Returned Case To CCSO - Interview Plaintiff - Agg. Assault
19
20
21
22
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1 VIII - PLAINTIFF

2 29) I, Jerry Vierra, ("Plaintiff"), was at all times relevant to this action a resident of Cochise County,
3 Arizona, til November, 2014, the last filing in the Ninth Circuit, wherein these Constitutional Violations
4 occurred.

5 IX - DEFENDANTS

6 30) In this Action," Defendants were clothed with state authority, and acting as private parties-jointly
7 participating-with those clothed with state authority; when they all colluded/conspired to prepare, write
8 and file in motions in the District Court and in briefs in Ninth Circuit false arguments to perpetrate their
9 frauds upon the Courts to the point where the judicial machinery was unable to perform in the usual
10 manner its impartial task of adjudging the case Plaintiff presented to the District Court and to the Ninth
11 Circuit; which deprived Plaintiff of his United States Constitution's Fourteenth Amendment Right to
12 Due Process; Plaintiff was prevented from having a fair submission to the Courts any of the tangible
13 evidence and facts to support his allegations in the controversy. Plaintiff was prevented from having
14 access to the Federal Courts with true and complete tangible evidence, as it existed on the day of its
15 creation, tangible evidence he tried to obtain through discovery, to present to the Court / Jury in now
16 withdrawn civil action, but instead was given their false October 14, 2013 CCSO dispatcher's radio log,
17 along with their false August 22, 2012 ten minute forty-one second copy of their one hour eight minute
18 unedited original July 7, 2012 morning river radio transmissions at the river area of S.R. 82.

19 1 - Defendant Cochise County

20 31) Cochise County is liable for actions of their attorney James M. Jellison, who colluded / conspired
21 with Cochise County Sheriff's Office's ("CCSO") Commander Forest Hauser, Lieutenant Sean Gijanto,
22 Master Deputy Allison Hadfield, Deputy Nathanael Tasch, records Supervisor Carol Capas, Arizona
23 police certified, but ex-CCSO-deputy James Nuti, Jr. to continue and to implement CCSO's unwritten
24 practice/policy created by a decision maker; then-late sheriff Larry Dever, that continued through two
25 sheriff administrations, which was to keep out of Plaintiff's possession any recordings and documents
26 revealing the words then-deputy James Nuti, Jr. spoke during his radio transmissions from the river
27 area of S.R. 82, the morning of July 7, 2012. (Practice/Policy Discussed Below); Cochise County was
28 served with Second Amended Complaint (A-1) (Ex. D-42)

1 2 - Defendant Arizona Counties Insurance Pool

2 32) Arizona Counties Insurance Pool; Cochise County is a member of, with a treasurer for A.C.I.P.,
3 is liable for the actions of their attorney James M. Jellison and all others named colluding/conspiring
4 with him; A.C.I.P. was directly involved in now withdrawn civil action; A.C.I.P. Authorized a Settlement
5 offer to Plaintiff of \$3,500 on June 1, 2016; in the Ninth Circuit, which Plaintiff declined.

6
7 **Dear Mr. Vierra:**

8 **I have been authorized by ACIP, to offer settlement on behalf of all named parties**
9 **in the referenced case in the total amount of \$3,500. Your acceptance of this amount**
10 **requires your signature on a stipulation to dismiss any and all claims (with prejudice), as**
11 **well as a release signed by you. This offer should not be construed as an admission of**
12 **liability by any named party and, as you know, any liability has been expressly denied in**
13 **this case.**

14 (Ex. D-1)

15 33) Arizona Counties Insurance Pool (A.C.I.P.) authorizes their attorneys to represent the interests
16 of the member counties, as seen in the following, when A.C.I.P. authorized James M. Jellison, and the
17 James M. Jellison Law Offices to represent Defendants in Pinal County:

18 Denby, et. al. v. City of Casa Grande, et. al., 2:17-CV-00119-SPL

19 The Arizona Counties Insurance Pool ("ACIP")...have requested and authorized James M. Jellison and
20 the Jellison Law Offices, P.L.L.C.("the law firm") to represent the interests of all Defendants...Pinal
21 County, Babeu, Berry, Skedel, and Lapre. (Ex. D-2)

22 34) Cochise County comprises a part of the A.C.I.P. through their county managers, who report
23 directly to the county board of supervisors:

24 Arizona Counties Insurance Pool - County Managers

25 The ACIP Board of Trustees is comprised of County Managers [Edward Gilligan - Trustee- Cochise
26 County Administrator - Cochise County] (Ex. D-3)

27 3 - Defendant James M. Jellison / James M. Jellison Law Offices

28 35) James M. Jellison is being sued in an "Official Capacity" and an "Individual Capacity;" he was the
attorney for Cochise County, Arizona, Arizona Counties Insurance Pool, and all other Defendants, he
acted as a private party - jointly participated - with the others operating in their official and individual
capacities, and others acting as private parties, - jointly participating - with those operating in official
and individual capacities, at all times relevant to this litigation, enabling him to be sued under 42
U.S.C. §1983, §1985. James M. Jellison was also acting as an officer of the Federal Courts. He was /

1 is a resident of Maricopa County, Arizona.

2 36) All the actions alleged to have been taken by James M. Jellison were taken in furtherance of his
3 marital community. Jane Doe, if married to James M. Jellison, is named as a defendant solely to
4 ensure that any/all judgments can be satisfied from the assets of the Jellison's marital community.

5 4 - Defendant Forest Hauser

6 37) Forest Hauser is being sued in his "Official Capacity and Individual Capacity," he was a Cochise
7 County Sheriff's Commander in Cochise County, Arizona, acting under color of state law, at all times
8 relevant to this litigation. He was/is a resident of Cochise County, Arizona.

9 38) All actions alleged to have been taken by Forest Hauser were taken in furtherance of his marital
10 community. Joyce Hauser is Forest Hauser's Wife, and she is named as a defendant solely to ensure
11 that any/all judgments can be satisfied from the assets of the Hauser's marital community.

12 5 - Defendant Sean Gijanto

13 39) Sean Gijanto is being sued in his "Official Capacity" and "Individual Capacity," he was Cochise
14 County Sheriff's Lieutenant in Cochise County, Arizona, acting under color of state law, at all times
15 relevant to this litigation. He was/is a resident of Cochise County, Arizona.

16 40) All actions alleged to have been taken by Sean Gijanto were taken in furtherance of his marital
17 community. Heather Gijanto is Sean Gijanto's Wife, and she is named as a defendant solely to ensure
18 that any/all judgments can be satisfied from the assets of the Gijanto's marital community.

19 6 - Defendant Allison Hadfield

20 41) Allison Hadfield is being sued in her "Official Capacity" and "Individual Capacity;" she was a
21 Cochise County Sheriff's Master Deputy in Cochise County, Arizona, acting under color of state law,
22 at all times relevant to this litigation. She was/is a resident of Cochise County, Arizona.

23 42) All actions alleged to have been taken by Allison Hadfield were taken in furtherance of her
24 marital community. Scott Hadfield is Allison Hadfield's Husband, and he is named as a defendant
25 solely to ensure that any/all judgments can be satisfied from the assets of the Hadfield's marital
26 community.

27 7 - Defendant Nathanael Tasch

28 43) Nathanael Tasch is being sued in his "Official Capacity" and "Individual Capacity;" he was a

1 Cochise County Sheriff's Deputy in Cochise County, Arizona, acting under color of state law, at all
2 times relevant to this litigation. He was/is a resident of Cochise County, Arizona.

3 44) All actions alleged to have been taken by Nathanael Tasch were taken in furtherance of his
4 marital community. Jane Doe, if married to Nathanael Tasch, is named as a defendant solely to
5 ensure that any/all judgments can be satisfied from the assets of the Tasch's marital community.

6 8 - Defendant Carol Capas

7 45) Carol Capas is being sued in an "Official Capacity" and "Individual Capacity;" she was Cochise
8 County Sheriff's Office Employee in Cochise County, Arizona acting as a private party - jointly
9 participating - with those operating in their official and individual capacities, and others acting as
10 private parties, - jointly participating - with others acting in official and individual capacities, at all times
11 relevant to this litigation, enabling her to be sued under 42 U.S.C. §1983, §1985. She was / is a
12 resident of Cochise County.

13 46) All actions alleged to have been taken by Carol Capas were taken in furtherance of her marital
14 community. Nick Capas is Carol Capas' Husband, and is named as a defendant solely to ensure that
15 any/all judgments can be satisfied from the assets of the Capas' marital community.

16 9 - Defendant James Nuti, Jr.

17 47) James Nuti Jr. is being sued in his "Official Capacity" and "Individual Capacity;" he was Arizona
18 police certified, and clothed with state authority, at all times relevant to this litigation. He was also
19 acting as a private party - jointly participating - with those operating in their official and individual
20 capacities, and others acting as private parties, - jointly participating - with those acting in their official
21 and individual capacities, at all times relevant to this litigation, enabling him to be sued under 42
22 U.S.C. §1983, §1985. He is a resident of Cochise County, Arizona.

23 48) All actions alleged to have been taken by James Nuti, Jr. were taken in furtherance of his
24 marital community. Amanda Nuti is James Nuti, Jr's Wife, and she is named as a defendant solely to
25 ensure that any/all judgments can be satisfied from the assets of the Nuti's marital community.

1 X - Quotes From Exhibits ("Ex.")

2 49) The numerous and necessary quotes from the exhibits used on the face of this Action to support
3 the factual allegations have reduced font size, and are indented.

4 XI - Short Introduction

5 50) Before looking at the intricate parts of this complex case involving their deceptive patterns of
6 lies, deceit, and the numerous examples of their frauds upon the Courts that harmed the integrity of
7 the judicial process and were wrongs against the institutions set up to protect and safeguard the
8 public; it's important to note one fact, i.e., all Plaintiff's factual allegations regarding their numerous
9 frauds used in each one of their mutually agreed upon false arguments ("False Arguments") in their
10 motions in District Court; in briefs in Ninth Circuit; are derived solely from what Plaintiff wrote on the
11 face of the then Second Amended Complaint, [A-1], in now withdrawn civil action.

12 51) In other words, Plaintiff does not have to prove Nuti said the following using CCSO's radio, at
13 the San Pedro River area of "S.R. 82, the morning of July 7, 2012:

14 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

15 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
16 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

17 52) all Plaintiff has to show in his well-pled factual allegations below are those words were plainly
18 and clearly written on the face of A-1; all of Plaintiff's allegations regarding their frauds are derived
19 solely from A-1, from which they admittedly used to construct all their false arguments, when they
20 prepared and wrote their motions and their briefs in now withdrawn civil action; they also went so far
21 as to forbid the Ninth Circuit from considering any facts Plaintiff raised on appeal that were not written
22 on the face of A-1, and in some of their false arguments, they used the words, "On the face of the
23 Complaint [A-1]" to identify the source of their false arguments. Suffice it to say, each and every one of
24 their false arguments were derived from / constructed from the words Plaintiff wrote on the face of A-1.

25 A - The Patterns Of Their Frauds Upon The Courts

26 53) "The patterns of their frauds upon the Courts are seen in four words, "on site" and "and then."

27 54) Both were used to replace the words then CCSO deputy James Nuti, Jr. spoke using CCSO's
28 radio at the river area of S.R. 82, during the morning of July 7, 2012, "Once the deputy stopped his

1 patrol vehicle and returned to the area, the man had' fled into the desert;" which were clearly written
2 on the face of A-1:

3 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

4 The Deputy observed a male subject standing on the side of the road. Deputy Advised that the male
5 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
6 area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

7 1 - Two False CCSO Dispatcher's Radio Logs - "On Site"

8 55) From the two false July 7, 2012 CCSO's dispatcher's radio logs; November 5 & 28, 2012, were
9 omitted all of the words Nuti spoke during his July 7, 2012 morning radio transmission to CCSO's
10 dispatcher; they were replaced with the words "On Site:"

11 On the first page of the two copies of the dispatcher's logs, at the top of each, the words Nuti spoke
12 during his initial radio transmission to the dispatcher was replaced with the words "On Site," (Ex. A-1,
13 p. 9, # 53)

14 2 - False Arguments Motions / Briefs "And Then"

15 56) Defendants used the same thought patterns of omitting what Nuti said at the river area of S.R.
16 82, as seen above in the two false CCSO dispatcher's radio logs. when they colluded / conspired with
17 their attorney James M. Jellison to write false arguments in their motions in District Court and in their
18 briefs in Ninth Circuit, they omitted fifteen words from a nineteen word sentence concerning what Nuti
19 said using CCSO's radio at the river area of S.R. 82, which Plaintiff wrote on the face of A-1, "Once
20 the deputy stopped his patrol vehicle and returned to the area, the man had' fled into the desert;" they
21 replaced the fifteen words with the words, "and then" followed by "fled into the desert;"

22 a - Two Motions - One Brief - Four False Arguments

23 57) The four main false arguments, from which Defendants used to construct all of their continuing
24 false arguments for probable cause for Defendants to believe Plaintiff committed crimes, to obtain
25 qualified immunity, were written in their motions to dismiss in the District Court; in their opening brief in
26 the Ninth Circuit; the following quote written on the face of A-1, was what they "Culled," their word, not
27 Plaintiff's, or cherry-picked from what Plaintiff wrote on the face of A-1, when they prepared and wrote
28 their four false arguments:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

1 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 2 subject pointed the weapon at him. *Once the deputy stopped his patrol vehicle and returned to the*
 3 *area, the man had fled into the desert;* (Ex. A-1, Doc. 9, pgs. 6-7, # 35, 39, 37)

4 **b - Four False Arguments**

5 District Court - Defendants' Motion to Dismiss - December 13, 2013

6 Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff
 7 as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then*
 8 *fled into the desert.* (Ex. A-2, Doc. 24, p. 5)

9 District Court - Defendants' Motion In Support Of Motion To Dismiss - December 27, 2013

10 Plaintiff does seem to dispute what his Second Amended Complaint alleges concerning Deputy Nuti.
 11 On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio
 12 transmission, described the encounter as one of a male subject standing on the side of the road,
 13 who pointed a weapon at him, *and then* fled into the desert. (Ex. A-4, Doc. 28, p. 3)

14 Ninth Circuit - Defendants' Opening Brief - August 13, 2014

15 Vierra alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Vierra as
 16 one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled
 17 into the desert. (Ex. A-5, DktEntry 5-1, p. 19-20)

18 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

19 On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio
 20 transmission, described the encounter as one of a male subject standing on the side of the road,
 21 who pointed a weapon at him, *and then* fled into the desert. (Ex. 5, DktEntry 5-1, pgs. 48-49)

22 58) The use of their four words "on site" from CCSO dispatcher's radio logs; and then the words "and
 23 then" from their motions and briefs were for two relatively identical purposes, 1) originally to keep out
 24 of Plaintiff's possession exculpatory evidence; so, he couldn't prove his innocence, while they pursued
 25 their false prosecution, with intent to falsely imprison Plaintiff, 2) to write believable false arguments in
 26 their motions and their briefs to establish probable cause and to obtain qualified immunity, to deprive
 27 Plaintiff of his right to Due Process, by preventing Plaintiff from establishing constitutional violations, in
 28 now withdrawn civil action. In short, they lied through omissions from the beginning to the end, even
 their last reply was a lie: "As was earlier expressed to Plaintiff, 'no one has lied to four Federal Court
 Judges.'" Plaintiff begs to differ! (Ex A-14, Doc. 92, p. 1, fn)

B - Art And Skill Of Deceptive Writing

59) The Action before this Court consists of multiple situations where their art and skill of deceptive
 writing was utilized to perpetrate frauds upon the Courts. Their level of skill in their deceptive writings,
 at all times during their collusion / conspiracy to prepare, write, and file their false arguments in their

1 motion to dismiss filed on December 13, 2013 in the District Court, and continuing in their subsequent
2 filings in the District Court and in the Ninth Circuit, didn't just suddenly come and appear in their minds
3 during that interim of time.

4 60) What the Court will see throughout the following articulations of well-pled factual allegations are
5 the situations where their art and skill of deceptive writing; "production of, and use of false documents /
6 recordings," were acquired over time; therefore, the term commonplace is appropriate.

7 61) Defendants intentionally omitted fifteen of nineteen words clearly written on the face of A-1:
8 "Once the deputy stopped his patrol vehicle and returned to the area, the man had;" replacing them
9 with two deceiving words: "and then," followed by "fled into the desert."

10 62) The main sentences clearly written on the face of A-1, upon which this Action is constructed,
11 concerns what then-CCSO deputy James Nuti, Jr. said using CCSO's radio: "Once the deputy stopped
12 his patrol vehicle and returned to the area, the man had fled into the desert;" and what Nuti wrote in
13 his report: "I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway,
14 you might get hit by a car." Both sentences reveal what Nuti said and wrote about him attempting to
15 approach and him approaching Plaintiff the morning of July 7, 2012, at the San Pedro River area of
16 S.R. 82, and what followed in his described sequence of events.

17 63) The first sentence Nuti said using a CCSO radio was he "stopped his patrol vehicle and
18 returned to the area" where he earlier said he observed Plaintiff "standing on the side of the road." No
19 question it is a description of Nuti approaching the location he said he earlier observed Plaintiff
20 standing.

21 64) The second sentence, Nuti wrote in his river report, he "approached [Plaintiff] within [his] patrol
22 vehicle," is a description of Nuti writing he approached Plaintiff.

23 65) Both of Nuti's above descriptions involved approaching Plaintiff's locations.

24 66) In the remaining part of the first sentence, Nuti said using CCSO's radio, after he returned to the
25 area he said observed Plaintiff standing, "the man had fled into the desert;" "Had;" a fact: "fled into the
26 desert," Nuti said using CCSO's radio was already accomplished before he returned to the area he
27 said he previously observed Plaintiff standing; so, Nuti said Plaintiff was no longer on S.R. 82., he "had
28 fled into the desert," Nuti's previous description revealed Nuti conveyed using CCSO's radio there was

1 not a face-to-face encounter with Plaintiff, "the man had fled into the desert," before Nuti returned to
2 the area he said he saw the man standing.

3 67) The third sentence, Nuti wrote in his river report, "I stated, 'Please don't walk on the roadway,
4 you might get hit by a car,'" was after he wrote he "approached [Plaintiff] within [his] patrol vehicle;" so,
5 Nuti wrote in his river report, Plaintiff had not departed from S.R. 82, he was still on S.R. 82 for him to
6 have held a conversation with; therefore, Nuti's description of what he wrote in his river report about
7 what he claimed happened there the morning of July 7, 2012; he approached Plaintiff and spoke to
8 him; was a described face-to-face encounter with Plaintiff.

9 68) Defendants omitted and replaced fifteen words in a nineteen word sentence clearly written on
10 the face of A-1: "Once the deputy stopped his patrol vehicle and returned to the area, the man had"
11 with their two deceiving words: "and then," followed by "fled into the desert" for their purposes of
12 eliminating contradictions in Nuti's two fabricated statements:

13 69) Radio: Nuti returned to the area to approach the Plaintiff; Plaintiff was not on S.R. 82 for Nuti to
14 have held a conversation with, "the man 'Had' fled into the desert;" no face-to-face encounter!

15 70) Report: Nuti approached the Plaintiff in his patrol vehicle and spoke words to him, "Please don't
16 walk on the roadway, you might get hit by a car;" the Plaintiff was still on S.R. 82 for Nuti to have held
17 a conversation with; face-to-face encounter!

18 71) The contradictions in Nuti's two fabricated statements are clearly seen in the word "Had;" a fact:
19 "fled into the desert" that Nuti said using CCSO's radio was already accomplished before he returned
20 to the area he said he just previously observed Plaintiff standing; therefore, described in detail below,
21 the word "had" prevented them from creating their false face-to-face encounter only between Plaintiff
22 and Nuti in their false arguments, so they omitted fifteen words from the complete nineteen word
23 sentence; ironically referring to fifteen of nineteen words in the complete sentence, "once the deputy
24 stopped his patrol vehicle and returned to the area, the man had;" as not well-pled facts, while
25 implying, through their use of the last four words of the complete sentence in their false arguments,
26 "fled into the desert;" were well-pled facts. That lie doesn't work, it was a complete sentence. If fifteen
27 words were not well-pled factual allegations, neither were the remaining four. It is Interesting to note
28 that the complete sentence is what then-sheriff Larry Dever and his public alert officer wrote on their

1 Facebook page as a public alert, July 7, 2012; therefore, on July 7, 2012, at 10:06 p.m., the nineteen
 2 word sentence was well-pled; it served their purposes; Suffice it to say, their complete sentence did
 3 not serve their purpose, so they colluded/conspired to omit the fifteen of nineteen words, during the
 4 preparation and writing of their false arguments in their motions to dismiss in the District Court and in
 5 their opening brief in the Ninth Circuit!

6 C - "And Then" Not A Shortened Version

7 72) Each time their false arguments using "and then" were written in their motions and briefs it was
 8 intended to appear as a shortened version of what was written on the face of A-1, "Once the deputy
 9 stopped his patrol vehicle and returned to the area, the man had' fled into the desert."

10 73) The evidence in its entirety, that is written below, reveals their two words were not a shortened
 11 version of what Plaintiff wrote on the face of A-1; as stated above, their two words "and then" were
 12 inserted into their false arguments to conceal the contradictions in Nuti's two fabricated statements.

13 74) Their targets of omitting fifteen words, "Once the deputy stopped his patrol vehicle and returned
 14 to the area, the man had' fled into the desert," replacing them with the words "and then" were two-fold:

- 15 1. removing Nuti's first description of approaching Plaintiff's earlier observed location on S.R. 82;
- 16 2. the word "Had."

17 D - False Arguments Created A False Face-To-Face Encounter Only

18 75) Eliminating Nuti's first stated approach and the word Had, enabled them to create the false face-
 19 to-face encounter only arguments and use Nuti's second fabricated version of what he wrote in his river
 20 report happened at the river area of S.R. 82. Using Nuti's second fabricated version only was to argue
 21 Nuti was doing his job as a deputy, and Plaintiff was the aggressor. Once Nuti's first stated approach
 22 and the word Had were eliminated, they then combined Nuti's two fabricated statements regarding
 23 what he said and wrote were Plaintiff's actions with a gun, at the river area of S.R. 82, as happening
 24 during the single occurrence, false face-to-face encounter only between Plaintiff and Nuti.

25 76) The intents of their false arguments were to create a false face-to-face encounter only between
 26 Plaintiff and Nuti and use those false arguments in a variety of different ways.

27 77) Their omissions of fifteen of nineteen words: "Once the deputy stopped his patrol vehicle and
 28 returned to the area, the man had' fled into the desert," were for the purposes of combining Nuti's two

1 fabricated statements regarding what Nuti said and wrote were Plaintiff's actions with a gun during the
 2 morning of July 7, 2012, at the San Pedro River area of S.R. 82, or, both happened during their false
 3 face-to-face encounter only between Plaintiff and Nuti; from those omissions of the fifteen words, their
 4 false arguments were written to deceive Both Courts numerous times.

5 E - False Arguments - To Establish Probable Cause - To Obtain Qualified Immunity

6 78) Their acts of fraud were done numerous times during their preparation and writing of their false
 7 arguments in their motions and briefs; it was for the purpose of falsely establishing probable cause to
 8 persuade the Courts to grant Defendants qualified immunity.

9 F - Words "And Then" Inserted

10 79) The words "and then" were inserted into their false arguments to deceive the Courts.

11 G - Methodically Calculated Deception

12 80) Their false arguments were methodically calculated frauds; as an example, they typed the same
 13 false arguments, eight months apart; sometimes using different words, but the same argument. It was
 14 a systematic manipulation of the Honorable Judge's minds.

15 H - No Signed Confession, But...

16 81) It is said fraud is the hardest to prove. That may be true with some cases, but not so in this one.
 17 There is no signed confession, but there is something that is equal to a signed confession, that is, the
 18 signature attached to each repetitious action. Each time they individually/collectively made decisions
 19 to commit their acts of fraud, they wrote their signature; their single/repetitious acts were unmistakably
 20 identifying characteristics; they are creatures of habit; so, it can be said each of their actions was their
 21 identifying mark; or an outward manifestation of what they individually and collectively thought in their
 22 minds at every precise moment they made their conscious decisions to prepare, write, and file their
 23 false arguments; it works like this; as they thought in their minds, they then outwardly revealed their
 24 thoughts through their actions by writing false arguments; therefore, their intent to commit their frauds
 25 originated within their minds, at different times, and it was followed by their actions, where they wrote
 26 their false arguments that are presented in detail below.

27 I - Defendant's Actions Involved Five Separate Elements

28 82) In Plaintiff's endeavor to prove their frauds, the following will show Defendant's actions involved

1 five separate elements: 1) false statements of material facts in motions and briefs, a false document,
 2 the false recording, 2) knowledge on the part of Defendants the statements of material facts, the
 3 document, and the recording were false, 3) intent on the part of the Defendants to deceive the Courts,
 4 4) justifiable reliance by the Ninth Circuit on their false statements of material facts to grant qualified
 5 immunity, and 5) injury to the Plaintiff as a result.

6 J - Redundancies - Necessary

7 83) This Action consists of 1,330 "stand alone claims" and is large in size, and what appears to be
 8 redundancies in the Claims is necessary to fully present Plaintiff's well-pled factual "tangible" realities;
 9 so, the evidence written on the face of A-1 will follow their false arguments in each of the claims; with
 10 a reference to preceding facts; if the claims have multiple elements, and if their false arguments can
 11 be consolidated Plaintiff will use the same "tangible" evidence for both.

12 84) To prove fraud, F.R.Civ.P. 9(b): "a party must state with particularity circumstances constituting
 13 fraud...Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally;"
 14 Plaintiff will present their false arguments, and what they knew or should have known from reading the
 15 words Plaintiff clearly wrote on the face of A-1, their arguments were false arguments. As far as the
 16 thoughts and intents of their minds, and based on what they knew or should have known from what
 17 Plaintiff wrote on the face of A-1, it is obvious from the accumulation of Stand-Alone Claims, their
 18 repetitious actions of preparing, writing, and filing their false arguments reveals their knowledge and
 19 their intent. Plaintiff will write detailed systematic presentations of evidence that, not only spans time,
 20 but reveals their particular thought processes, which they then acted upon; each fact will be examined
 21 carefully to show all of the elements of their frauds, whether it be an element within their single false
 22 argument, or multiple elements that formed their whole false argument, which amount to several
 23 combined Stand-Alone Claims.

24 K - Same False Arguments Were Used Eight Months Apart

25 85) The evidence presented below was written by the Defendants over time; in some of the Claims
 26 the same false arguments were used exactly or about eight months apart. That fact, and the fact they
 27 used different words, reveals their intent to perpetrate their frauds upon the Courts, both in the District
 28 Court and in the Ninth Circuit.

1 L - Defendants Focused All Their False Arguments Around One Issue - What Nuti Said

2 86) Defendants focused all their false arguments around the one issue, as will be shown as having
 3 occurred July 7, 2012 and throughout the year before now withdrawn civil action began August 1, 2013
 4 in the District Court, immediately after the action began, and throughout the life of now withdrawn civil
 5 action; i.e., what then-deputy James Nuti, Jr. said using CCSO's radio at the San Pedro River area of
 6 S.R. 82; the morning of July 7, 2012, when he spoke words similar to the ones found to have been
 7 written as a public alert, authorized by then-Cochise County sheriff Larry Dever, on July 7, 2012, at
 8 10:06 p.m., on Dever's Facebook page:

9 M - Then-Sheriff Larry Dever's Facebook Page Public Alert

10 87) Then-CCSO Sheriff Larry Dever designated/assigned his public alert reporting officer to write
 11 his Facebook public alert, which, in the first part of his public alert, was from Nuti's radio transmissions
 12 the morning of July 7, 2012, at the river area of S.R. 82, and Dever, himself, directly participated in the
 13 public alert; he read and approved the content of the same:

14 Cochise County Sheriff's Office Policy Manual Public Alerts

15 334.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

16 The Sheriff [Larry Dever] shall designate a Public Alert Reporting Officer who is responsible for: (b)
 17 Activating, maintaining and cancelling all public alerts; (Ex. D-9)

18 88) In Dever's public alert were found these words:

19 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

20 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 21 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 22 area, the man had fled into the desert; (Ex.'s D-4, D-5)

23 89) which were also clearly written on the face of A-1:

24 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

25 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 26 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 27 area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

28 N - Years Devoted To Withholding/Concealing Nuti's River Radio Transmissions

90) Years have been devoted to withholding / concealing above-mentioned radio transmissions, for
 the following reasons;

91) CCSO began their false criminal investigation, which turned into their fabricated criminal case,

1 by lying the morning of July 7, 2012, and they are still lying to People in Cochise County about Plaintiff
 2 threatening then-deputy James Nuti, Jr. with a gun during the morning of July 7, 2012, at the river area
 3 of S.R. 82;

4 92) for their purposes, at the beginning, having Plaintiff falsely tracked by an armed ground assault
 5 force; helicopter, members of CCSO's swat team, which forced Plaintiff into zones of danger, falsely
 6 arrested, falsely prosecuted, and falsely put in prison, when they knew or should have known Nuti's
 7 two fabricated statements concerning what he said and wrote were Plaintiff's actions the morning of
 8 July 7, 2012, at the San Pedro River area of S.R. 82, so contradicted each other that neither of Nuti's
 9 statements could be believed, and, because Nuti lied, Plaintiff could not have been viewed by "any" as
 10 having committed "any" crime, and then

11 93) to thwart Plaintiff's efforts to present tangible evidence, as it existed on the date and time of its
 12 creation, to counter their false arguments/testimony, and

13 94) to expose their frauds perpetrated upon the Courts in their motions and briefs in the lawsuit he
 14 filed August 1, 2013, and was then forced to withdraw through motion July 24, 2017, asking the Court
 15 to dismiss the entire action, for stated reasons:

16 "What we appear to be dealing with here are serial liars that have no moral compass...Plaintiff has
 17 been dealt cards from a stacked deck, and Plaintiff respectfully submits this motion to withdraw the
 18 Second Amended Complaint and asks the Court to order defendants bear their own cost for their
 intentional lying, deceiving, corrupted defense." (Ex. A-13, p. 2, Ex. A-1)

19 O - The Only Conclusions That Can Be Reached

20 95) The only conclusions the Courts can reach from Plaintiff's presentation of tangible evidence is
 21 Defendants knowingly perpetrated their frauds upon the Courts, for over three and a half years, when
 22 they knowingly lied, at a minimum, "94" times, to four Honorable United States Federal Court Judges:
 23 Honorable David C. Bury - District Court, Honorable Susan P. Graber and Richard C. Tallman, Ninth
 24 Circuit, and the Honorable Jed S. Rakoff, United States Senior District Judge for the Southern District
 25 of New York, sitting in by designation; through intentional omissions from their false arguments fifteen
 26 of nineteen words: "Once the deputy stopped his patrol vehicle and returned to the area, the man had;"
 27 replaced with "and then" followed by "fled into the desert," along with their numerous false arguments
 28 methodically constructed from those omissions.

1 P - Diversion Tactics

2 96) Knowing that Courts are inclined to pay close attention to case law, their false arguments were
 3 presented, and immediately followed by wrongly applied cases. It was only when their individual false
 4 arguments were separated from the case arguments and written out in a continuous order, their plans
 5 and schemes to perpetrate multiple frauds upon the Courts became apparent. There is a recognizable
 6 pattern to their fraudulent arguments; as the old saying goes, "tell a lie enough times and, as in this
 7 case, the Courts will believe it," especially when those writing the lies are presumed by the Courts to
 8 be honest and trustworthy.

9 97) Using false / misleading words to write statements of fact, while knowing the words are false is
 10 writing false arguments, or lying; each Defendant knew exactly what they were doing, at the time they
 11 prepared and wrote their false arguments in their motions and briefs.

12 Q - Fraud Civil or Criminal

13 98) The United States Supreme Court defined a conspiracy to commit frauds, whether it be civil or
 14 criminal, in the clearest language. In this case, even though attorney James Jellison wrote and filed
 15 the false arguments in the District Court and in the Ninth Circuit, the documents prepared to be written
 16 and filed involved "more than one person," and was "a conspiracy:" "[T]he overt act of one [in the civil
 17 conspiracy] is attributable to all:"

18 "The scheme to use the mail to defraud, which is joined in by more than one person, is a conspiracy.
 19 All members are responsible, though only one did the mailing. The criminal intent to do the act was
 20 established by their formation of the conspiracy. Each conspirator instigated the commission of the
 21 crime. The unlawful agreement contemplated precisely what was done. It was formed for the
 22 purpose. That principle is recognized in the law of conspiracy, where the overt act of one partner in
 the crime is attributable to all." Pinkerton v. U. S., 328 U.S. 640 (1946)

23 99) The Ninth Circuit defined conspiracy in Lacey v. Maricopa County, 693 F.3d 896, 911, 934 (9th
 24 Cir. 2012):

25 42 U.S.C. §1985(3) permits an action to be brought by one injured by a conspiracy formed "for the
 26 purpose of depriving, either directly or indirectly, any person or class of persons of the equal
 27 protection of the laws, or of equal privileges and immunities under the laws." 42 U.S.C. §1985(3);
 28 see also, Griffin v. Breckenridge, 403 U.S. 88 (1971). To establish a claim under 42 U.S.C. §1985(3),
 a plaintiff must demonstrate the following: (1) a conspiracy; (2) for the purpose of depriving any
 person of the equal protection of the laws; (3) an act in furtherance of the conspiracy; and (4) an

injury to a person or his property. *United Bhd. of Carpenters & Joiners v. Scott*, 463 U.S. 825, 828-29 (1983) (citing *Griffin*, 403 U.S. at 102-03); see also, *Farber v. City of Paterson*, 440 F.3d 131, 134 (3rd Cir. 2006).

The Ninth Circuit, at 934, quoting *Gilbrook v. City of Westminster*, 177 F.3d 839, 856-57 (9th Cir. 1999), wrote: A civil conspiracy is a combination of two or more persons who, by some concerted action, intend to accomplish some unlawful objective for the purpose of harming another which results in damage. To prove a civil conspiracy, the plaintiff must show that the conspiring parties reached a unity of purpose or a common design and understanding, or a meeting of the minds in an unlawful arrangement. To be liable, each participant in the conspiracy need not know the exact details of the plan, but each participant must at least share the common objective of the conspiracy.

A defendant's knowledge of and participation in a conspiracy may be inferred from circumstantial evidence and from evidence of the defendant's actions.

The Supreme Court held in *U.S. v. Reading Co.*, 226 U.S. 324, 344 (1912), "The case is barren of documentary evidence of solidarity. The fact of such general combination, if it exists, must be deduced from specific acts or transactions in which the companies have united and from which such a general combination may infer."

XII - Reference To Defendants

100) Defendants will be referred to by their last name unless their title/name is needed for emphasis: Attorney James M. Jellison ("Jellison"), CCSO Commander Forest Hauser ("Hauser"), Lieutenant Sean Gijanto ("Gijanto"), Master Deputy Allison Hadfield ("Hadfield"), Deputy Nathanael Tasch ("Tasch"), Records Supervisor Carol Capas ("Capas"), Arizona Police Certified-ex-CCSO Deputy James Nuti, Jr. ("Nuti").

XIII - Stand-Alone Claims Apply To All Defendants

101) All ninety-four Stand-Alone Claims listed below for violations of 42 U.S.C. §1983 and 42 U.S.C. §1985(3) applies to all Defendants. All the arguments; facts supporting the same, will be written once under Attorney James Jellison. Using words, Jellison colluded/conspired with the other Defendants, it is to be understood that each of the other Defendants: Forest Hauser, Sean Gijanto, Allison Hadfield, Nathanael Tasch, Carol Capas, and James Nuti, Jr. were all involved in the collusion / conspiracy with each other and Jellison to prepare, write, and file their false arguments to perpetrate their frauds upon the Courts. In other words, each stand-alone claim; false argument and facts supporting, will be as if Plaintiff was writing the claims, false arguments, and supporting facts for each Defendant individually.

102) All exceptions to the preceding for Defendants will be identified; as an example, Jellison

1 knowingly violating Arizona Rules of Professional Conduct, does not apply to the other Defendants.
 2 The false October 14, 2013 CCSO dispatcher's radio log will apply to Hauser, Gijanto, Hadfield Tasch,
 3 Capas, and Nuti only; not Jellison. The false case arguments will apply to Jellison, Hauser, Gijanto,
 4 Hadfield, Tasch, and Nuti, but not to Carol Capas, for they were not within her realm of experience as
 5 a CCSO employee. Therefore, the frauds perpetrated upon the Courts using false arguments in
 6 motions and briefs and the facts supporting the allegations apply to all Defendants, and will only be
 7 written in detail once under Jellison.

8 XIV - FRAUDS PERPETRATED UPON THE COURTS

9 XV - Omission Of Fifteen Words In Four False Arguments

10 103) Their numerous frauds perpetrated upon the District Court and Ninth Circuit were derived from
 11 their omissions of fifteen of the nineteen words in this sentence, "Once the Deputy stopped his patrol
 12 vehicle and returned to the area, the man had," replaced with "and then" followed by "fled into the
 13 desert" in four arguments; from which all their other false arguments were constructed:

14 District Court - Defendant's Motion To Dismiss - December 13, 2013

15 Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff
 16 as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then*
 17 fled into the desert.

18 Plaintiff alleges Deputy Nuti, in a report authored that day at 12:57 p.m., described his encounter
 19 with Plaintiff earlier as one in which Plaintiff was walking on the white fog line, where Deputy Nuti
 20 stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff
 21 pointed a firearm toward the ground. (Ex. A-2, Doc. 24, p. 5)

22 District Court- Defendants' Motion In Support Of Motion To Dismiss - December 27, 2013

23 Plaintiff does seem to dispute what his Second Amended Complaint alleges concerning Deputy Nuti.
 24 On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio
 25 transmission, described the encounter as one of a male subject standing on the side of the road,
 26 who pointed a weapon at him, *and then* fled into the desert.

27 Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with
 28 Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated
 to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed
 a firearm toward the ground. (Ex. A-4, Doc. 28, p. 3)

104) Same False Arguments Written Twice In Opening Brief

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

Vierra alleges Deputy Nuti in a 9:43 a.m. radio transmission described his encounter with Vierra as
 one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled
 into the desert.

1 Plaintiff alleges Deputy Nuti, in a report authored later that day at 12:57 p.m., described his
 2 encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where
 3 Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and
 where Plaintiff pointed a firearm toward the ground. (Ex. A-5, DktEntry 5-1, p. 19-20)

4 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

5 On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio
 6 transmission, described the encounter as one of a male subject standing on the side of the road,
 who pointed a weapon at him, *and then* fled into the desert.

7 Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with
 8 Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated
 to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed
 9 a firearm toward the ground. (Ex. 5, DktEntry 5-1, pgs. 48-49)

10 XVI - FALSE CCSO DISPATCHER'S RADIO LOG

11 105) We begin with the history leading up to their frauds perpetrated upon the District Court and the
 12 Ninth Circuit to show their intent to perpetrate their frauds upon the Courts began before they filed their
 13 December 13, 2013 motion to dismiss in the District Court. The accumulated tangible evidence below
 14 reveals the Courts in the State of Arizona were also the intended targets for them to perpetrate their
 15 frauds upon; a detailed review of factual history is imperative to see the totality of their actions, which
 16 span one year, five months, six days: July 7, 2012 - December 13, 2013: motion to dismiss in District
 17 Court.

18 A - Intent To Begin And Continue Frauds Upon Courts - Both State and Federal

19 106) Their intent to begin and to continue their frauds upon the District Court and the Ninth Circuit is
 20 seen in their accumulated actions that led up to the beginning of the same. Hauser, Gijanto, Hadfield,
 21 Tasch, Capas, and Nuti manually produced a third false CCSO dispatcher's radio log seventeen days
 22 after receiving from the Plaintiff copies of the two previous manufactured false CCSO dispatcher's radio
 23 logs; obtained in 2012 through the Arizona public records laws requests; all three lacked the fifteen
 24 words, "Once the Deputy stopped his patrol vehicle and returned to the area, the man had' fled into
 25 the desert," Nuti said using CCSO's radio the morning of July 7, 2012, at the river area of S.R. 82; the
 26 preceding reveals the long range strategy to withhold/conceal; keep out of Plaintiff's possession, Nuti's
 27 fabricated radio transmissions and not spur-of-the-moment decisions, during their preparation, writing
 28 and filing of their false arguments to omit fifteen of nineteen words in their motions and briefs.

1 XVII - FOUNDATION LEADING UP TO FRAUDS IN COURTS

2 107) The following is their foundation which led up to December 13, 2013, when attorney James M.
3 Jellison, Hauser, Gijanto, Hadfield, Tasch, Capas, and Nuti began to perpetrate their numerous frauds
4 upon the Courts through false arguments in motions in the District Court and then in briefs in the Ninth
5 Circuit.

6 108) The allegations against Hauser, Gijanto, Hadfield, Tasch, Capas, and Nuti regarding their false
7 October 14, 2013 CCSO dispatcher's radio log and the history leading up to their false October's radio
8 log will be presented first to show the pattern of their intentional omissions of fifteen of nineteen words
9 Nuti spoke using a CCSO radio the morning of July 7, 2012, at the river area of S.R. 82: "Once the
10 deputy stopped his patrol vehicle and returned to the area, the man had' fled into the desert."

11 109) The October 14, 2013 false CCSO dispatcher's radio log, discussed in detail below, was not a
12 "fraud between parties;" it was intended,

13 110) 1. to conceal their frauds upon the Courts;

14 111) 2. to keep out of Plaintiff's possession tangible evidence to

15 112) a. expose their frauds in their motions in District Court and in their briefs in the Ninth Circuit,

16 113) b. prove with tangible evidence in now withdrawn civil action Plaintiff's rights were in fact violated,
17 by validating what was written on the face of A-1 and what could have been added to the case.

18 1 - False Cochise County sheriff's office Dispatcher's Radio Log - October 14, 2013

19 Stand-Alone Claims: 1: §1983-(x6 Defs.), 2: §1985(3)-(x6 Defs.)

20 114) Evidence reveals CCSO Commander Forest Hauser, Lieutenant Sean Gijanto, Master Deputy
21 Allison Hadfield, Deputy Nathanael Tasch, Arizona police certified, but ex-CCSO deputy James Nuti,
22 Jr., all cloaked with state authority, with whom CCSO records Supervisor Carol Capas, in her official
23 capacity as CCSO's records supervisor, who did collude / conspire with the aforementioned; providing
24 access to the records and the equipment, used Cochise County purchased equipment at CCSO to
25 produce the third false CCSO dispatcher's radio log; printed October 14, 2013, seventeen days after
26 receiving copies of two previous false CCSO dispatcher's radio logs dated November 5 & 28, 2012, on
27 September 27, 2013, in Plaintiff's F.R.Civ.P. Rule 26(a)(1) initial disclosures in the now withdrawn civil
28 action. (Ex.'s A-15, A-15a, Ex.'s D-6, D-7)

1 115) The aforementioned knowingly planned / colluded / conspired to perpetrate their frauds upon
2 the Courts, as seen in their actions on October 14, 2013; when they used Cochise County purchased
3 equipment at CCSO to produce a third false CCSO dispatcher's radio log for purposes of eliminating
4 what Nuti fabricated at the river area of S.R. 82, which they intended to, and Nuti did provide to
5 Plaintiff during discovery in now withdrawn civil action, for their purposes of concealing the frauds they
6 knowingly intended to engage in sixty days later with their attorney James M. Jellison, when they all
7 participated in preparing and writing their motions to dismiss, filed December 13 & 27, 2013 in the
8 District Court, and their subsequent filings in Ninth Circuit, and to prevent Plaintiff from possessing a
9 true and complete copy of the tangible evidence, as it existed on the date and the time of its creation
10 at CCSO, to use against them to validate his claims of constitutional violations based on Nuti's two
11 fabricated statements regarding what he said and wrote were Plaintiff's actions, at the river area of
12 S.R. 82, the morning of July 7, 2012.

13 116) The intent of Hauser, Gijanto, Hadfield, Tasch, Capas, and Nuti to perpetrated their frauds
14 upon the Courts with their attorney James Jellison, can be traced back to their October 14, 2013 false
15 CCSO dispatcher's radio log, they produced it to omit Nuti's fabricated statements; omitted from their
16 October 14, 2013 false CCSO dispatcher's radio log were all of the conversations between Nuti, the
17 others, and CCSO dispatchers, along with any other evidence the original radio log contained.

18 117) Their CCSO dispatcher's radio log presented below is a copy of their false document, Hauser,
19 Gijanto, Hadfield, Tasch, Capas, and Nuti colluded/conspired to intentionally manufacture; then print
20 at 1:50 p.m., on October 14, 2013; seventeen days after they each received Plaintiff's F.R.Civ.P.
21 26(a)(1) initial disclosures in now withdrawn civil action, which contained two previously manufactured
22 false CCSO dispatcher's radio logs. (Ex.'s A-15, A-15a, D-6, D-7)

23 118) The aforementioned created their false CCSO dispatcher's radio log, and they omitted from
24 their false October 14, 2013 CCSO dispatcher's radio log what CCSO dispatchers heard and recorded
25 into CCSO's Computer Aided Dispatch (C.A.D.) system; a "rapid and accurate collection of information
26 relating to [Nuti's false] emergenc[y]...in the most professional and efficient manner possible; "true for
27 every call, consistently and without prejudice." (CCSO Legacy Project Staff Part 3)

28 119) As is often quoted, "Use a picture. It's worth a thousand words;" (1911 - editor Tess Flanders)

120) a - October 14, 2013 - False CCSO Dispatcher's Radio Log

10/14/13
13:50Cochise County Sheriff's
Detail Incident ReportPage: 654
1

Incident #: 12-10612

LAW INCIDENT:
-----Nature: Information
Location: Patrol Area 1Address: MM 51 Hwy 82
City: Fairbanks

ST: AZ Zip: 85638

Offense Codes: 6480

Received By: LKovac

How Received: Officer Report

Agency: CCSO

Rspndg Officers: JANuti

AHadfield

DAvery

DBunnell

Rspnsbl Officer: JANuti

Disposition: Closed Case

on 07/07/12

When Reported: 09:46:46 07/07/12

Occurred: Between 09:45:35 07/07/12 and 09:45:35 07/07/12

Assigned_To	Detail	Date_Assigned	Status	Status_Date	Due_Date
-----	-----	-----	-----	-----	-----
		-/**		**-**/**	**-**/**

Case History:
-----Radiolog:

Unit: C-133	Enroute: 09:47:02 07/07/12 Completed: 10:51:43 07/07/12	Arrived: 09:58:30 07/07/12
Unit: C-135	Enroute: 09:47:11 07/07/12 Completed: 10:56:42 07/07/12	Arrived: 10:09:30 07/07/12
Unit: C-148	Enroute: 10:28:48 07/07/12 Completed: 10:56:42 07/07/12	Arrived: 09:46:46 07/07/12
Unit: C-149	Enroute: 09:47:46 07/07/12 Completed:	Arrived:
Unit: C-638	Enroute: 09:47:17 07/07/12 Completed: 10:55:43 07/07/12	Arrived: 10:01:20 07/07/12

Cochise/ Vierra- 007

(Ex. A-16, p. 1)

121) b - October 14, 2013 Dissemination Record

10/14/13
13:50Cochise County Sheriff's
Detail Incident ReportPage: 654
2

Incident #: 12-10612

INVOLVEMENTS:

Type	Record #	Date	Relationship
dsmain	51087	07/27/12	Dissemination Record
dsmain	51113	07/31/12	Dissemination Record
dsmain	51390	08/22/12	Dissemination Record
dsmain	51391	08/22/12	Copy #1 audio cd
dsmain	51593	09/04/12	Copy #2 audio cd
dsmain	51624	09/07/12	Dissemination Record
dsmain	54229	03/28/13	Copy #1 MVR
dsmain	54428	04/12/13	Dissemination Record
dsmain	55417	06/27/13	Dissemination Record
dsmain	55512	07/11/13	Dissemination Record
dsmain	57130	10/14/13	Dissemination Record
fmmain	952	01/24/13	Dissemination Record
nmmain	4537	07/24/12	Person Mentioned
nmmain	8834	07/07/12	Person Mentioned
nmmain	9942	07/07/12	Person Mentioned
nmmain	25584	07/24/12	Person Mentioned
nmmain	63313	07/24/12	Person Mentioned
nmmain	107656	07/09/12	Person Mentioned
nmmain	131449	07/19/12	Suspect
nmmain	132511	07/24/12	Witness
nmmain	146246	07/24/12	Person Mentioned
evmain	75288	07/27/12	Dissemination Record
evmain	75289	07/27/12	Evidence Incident
evmain	75290	07/27/12	Evidence Incident
evmain	75291	07/27/12	Evidence Incident
evmain	75292	07/27/12	Evidence Incident
evmain	75293	07/27/12	Evidence Incident
evmain	75294	07/27/12	Evidence Incident
evmain	75346	07/27/12	Evidence Incident
nmmain	467	07/07/12	Complainant
jmmain	12-2241	07/18/12	Arrest/Offense
cdcall	C381586	07/07/12	Initiating Call

Cochise/ Vierra- 008

(Ex. A-16, p. 2)

2 - High Ranking Fraud At CCSO - October 14, 2013 - False CCSO Dispatcher's Radio Log

122) It's worth noting this fact, the October 14, 2013 false CCSO dispatcher's radio log was manually produced; it was not a copy printed from the original existing in CCSO's computer, as it existed on the date and time of its creation, by CCSO dispatchers, the morning of July 7, 2012; the false dispatcher's radio log was manually produced by senior, mid, low ranking deputies, CCSO's supervisor of records, in whose department are radio log records, and an Arizona police certified, but ex-CCSO deputy:

1 123) A CCSO Commander Forest Hauser, Lieutenant Sean Gijanto, Master Deputy Allison Hadfield,
 2 Deputy Nathanael Tasch, Supervisor of records Carol Capas, and Arizona police certified, ex-CCSO
 3 deputy James Nuti, Jr.

4 124) It is no small matter a commander, one rank below chief deputy, or undersheriff, and two ranks
 5 below sheriff in the hierarchy of CCSO; a lieutenant, master deputy, deputy, a twenty year employee,
 6 records supervisor / public information officer, and Arizona police certified, ex-deputy, acting pursuant
 7 to then-sheriff Larry Dever's policy/procedure, used the Cochise County purchased equipment at the
 8 CCSO to manufacture their third false CCSO dispatcher's radio log with intent to deceive the Court /
 9 Jury, in now withdrawn civil action, for purposes of keeping out of Plaintiff's possession the true and
 10 complete tangible evidence, as it existed on the date and time of its creation, for Plaintiff to use to
 11 prove his rights were in fact violated, by validating what was written on the face of A-1 and what could
 12 have been added to the case. The preceding, and the fact three CCSO sheriff's, as written in detail
 13 below, established and continued to use Dever's policy/procedure to keep out of Plaintiff's possession
 14 evidence, reveals the corruption is at the top levels of CCSO and down through the ranks to include a
 15 deputy and employee of CCSO; thus, it can be said, "The whole is corrupted."

16 3 - Tangible Evidence Supporting the Preceding

17 4 - Pattern Of Omitting Conversations Between CCSO Dispatcher's and Nuti

18 125) CCSO's first false July 7, 2012 morning dispatcher's radio log, printed 10:38 a.m., November
 19 5, 2012, (print date: upper left corner) was hand delivered to David Morgan in response to his Arizona
 20 public records laws request.

21 126) One of the applications of this false document for our purposes is the radio log doesn't contain
 22 Nuti's fabricated recorded conversations with CCSO's dispatchers the morning of July 7, 2012.

23 127) When individuals at CCSO, who were each involved in the various aspects of the CCSO false
 24 investigation/fabricated criminal case, acted consistent with, and continued, then-sheriff Larry Dever's
 25 unwritten policy/procedure to keep out of the Plaintiff's possession exculpatory evidence, by manually
 26 producing their false November 5, 2012 CCSO dispatcher's radio log, all the recorded fabricated radio
 27 transmissions Nuti said using CCSO's radio, as written below, were removed and replaced with the
 28 words "On Site" to conceal and keep out of Plaintiff's possession what Nuti said using CCSO's radio

concerning what he said were Plaintiff's actions at the San Pedro River area of S.R. 82, the morning of July 7, 2012:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37, Ex.'s D-4, D-5)

128) a - November 5, 2012 Dispatcher's Radio Log, p. 1-Unit: C-148 (Nuti)... "On Site"-Line 14-15

11/05/12 10:38		Cochise County Sheriff's Radio Log Summary Report, by Day and Time				Page: 226 1
Time	Date	Unit	Zone	Call ID	Code	Description
09:32:51	07/07/12	C-541	5P		INSRV	(MDC)
09:33:04	07/07/12	C-638	6P	C381577	BUSY	428 S Hwy 80 contacting owner
09:33:42	07/07/12	C-541	5P		8	
09:37:27	07/07/12	C-432	4P	C381582	DLINQ	dl-[REDACTED]
09:40:06	07/07/12	C-149	1P		8	
09:40:42	07/07/12	C-432	4P	C381582	NOTE	show me 42
09:41:32	07/07/12	C-638	6P		8	
09:42:56	07/07/12	C-231	2P	C381584	ENRT	incid#=12-10611 Enroute to a call call=311
09:43:33	07/07/12	C-149	1P		BUSY	w/female @ Falcon court apts on 7th
09:43:55	07/07/12	C-149	1P		DLINQ	last=Krawczyk first=Nicole dob=[REDACTED]
09:46:43	07/07/12	C-149	1P		8	(MDC)
09:46:46	07/07/12	C-148	1P	C381586	ARRVD	incid#=12-10612 On-site call=331
09:47:02	07/07/12	C-133	1P	C381586	ENRT	incid#=12-10612 Enroute to a call call=331
09:47:11	07/07/12	C-135	1P	C381586	ENRT	incid#=12-10612 Enroute to a call call=331
09:47:17	07/07/12	C-638	1P	C381586	ENRT	incid#=12-10612 Enroute to a call call=331
09:47:46	07/07/12	C-149	1P	C381586	ENRT	incid#=12-10612 Enroute to a call call=331
09:49:41	07/07/12	C-338	3P	C381587	ENRT	incid#=12-10613 Enroute to a call call=341
09:50:40	07/07/12	C-231	2P	C381584	ARRVD	(MDC) Arrived on scene incid#=12-10611 call=311
09:51:47	07/07/12	C-341	3P	C381587	ENRT	(MDC) Assisting unit C-338 incid#=12-10613 call=341
09:54:32	07/07/12	C-338	3P	C381587	ARRVD	incid#=12-10613 Arrived on scene call=341
09:54:32	07/07/12	C-341	3P	C381587	ARRVD	incid#=12-10613 Arrived on scene call=341
09:55:03	07/07/12	C-341	3P	C381587	BUSY	hwy 80 just west of 181
09:55:17	07/07/12	C-148	1P	C381586	NOTE	BP agent just showed up
09:55:35	07/07/12	C-341	3P		BUSY	w/subject on 80 west of 191
09:58:30	07/07/12	C-133	1P	C381586	ARRVD	call=331
09:58:50	07/07/12	C-432	4P	C381582	ENRT	wilcox detention with 1 101 42 101 119107, call=291
10:01:20	07/07/12	C-638	1P	C381586	ARRVD	call=331
10:01:35	07/07/12	C-638	1P	C381586	ARRVD	C-148, call=331
10:02:48	07/07/12	C-341	3P		NOTE	medics & usbp 23
10:09:30	07/07/12	C-135	1P	C381586	ARRVD	call=331
10:09:40	07/07/12	C-135	1P	C381586	ARRVD	call=331
10:13:06	07/07/12	C-338	3P	C381587	24	incid#=12-10613 Assignment Completed call=341

1 10:13:12 07/07/12 C-338 3P
 2 10:13:12 07/07/12 C-341 3P
 3 10:14:21 07/07/12 C-231 2P
 4 10:14:26 07/07/12 C-231 2P
 5 10:14:49 07/07/12 C-341 3P
 6 10:15:00 07/07/12 C-341 3P
 7 10:15:01 07/07/12 C-341 3P

COCHISE COUNTY
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11/05/12
 10:38

Cochise County Sheriff's
 Radio Log Summary Report, by Day and Time

226
 Page: 2

Time	Date	Unit	Zone	Call ID	Code	Description
10:15:47	07/07/12	C-148	1P	C381586	NMINQ	MDC: name=BURBANK, MARTIN
10:16:24	07/07/12	C-341	3P		NMINQ	MDC: name=MONTES*, ARIEL*
10:16:25	07/07/12	C-341	3P		DLINQ	MDC: name=MONTES*, ARIEL*
10:22:46	07/07/12	C-149	1P	C381586	BUSY	w/ c-148
10:27:37	07/07/12	C-537	5P	8	(MDC)	
10:28:48	07/07/12	C-148	1P	C381586	ENRT	Hwy 90 checkpoint for f/u, call=331
10:29:39	07/07/12	C-432	4P	C381582	ARRVD	willcox detention 102 119135, call=291
10:31:35	07/07/12	C-537	5P		OFFIC	(MDC) wlx det, on cell
10:34:30	07/07/12	C-341	3P	8	(MDC)	
10:35:40	07/07/12	C-133	1P	C381586	VHINQ	MDC: pl=AMB0999
10:35:41	07/07/12	C-133	1P	C381586	VHREG	MDC: pl=AMB0999
10:36:16	07/07/12	C-148	1P	C381586	BUSY	Hwy 80 checkpoint
10:36:16	07/07/12	C-149	1P		BUSY	Hwy 80 checkpoint
10:36:29	07/07/12	C-541	5P	8	(MDC)	
10:38:29	07/07/12	C-341	3P		OFFIC	(MDC)
10:39:26	07/07/12	C-541	5P		BUSY	(MDC) detention
10:41:05	07/07/12	C-338	3P		OFFIC	(MDC)
10:43:57	07/07/12	C-433	4P		NOTE	code 900/code 4
10:47:48	07/07/12	C-231	2P		VHINQ	MDC: pl=005APR st=AZ
10:47:49	07/07/12	C-231	2P		VHREG	MDC: pl=005APR st=AZ
10:47:57	07/07/12	C-148	1P	8	(MDC)	
10:48:08	07/07/12	C-149	1P	8	(MDC)	
10:50:43	07/07/12	C-231	2P		OFFIC	(MDC)
10:51:43	07/07/12	C-133	1P	C381586	24	neg contact
10:52:23	07/07/12	C-231	2P	C381585	OFFIC	Substation Office call=32m
10:55:43	07/07/12	C-638	1P	C381586	24	
10:55:51	07/07/12	C-638	6P	8		
10:56:42	07/07/12	C-135	1P	C381586	24	incid#=12-10612 Assignment Completed call=331
10:56:42	07/07/12	C-148	1P	C381586	24	incid#=12-10612 Assignment Completed call=331
10:58:39	07/07/12	C-432	4P	C381582	24	incid#=12-10610 Reassigned to call 381, completed call 291
10:58:40	07/07/12	C-432	4P	C381591	ASSGN	incid#=12-10615 Assigned to a call call=381
10:58:45	07/07/12	C-432	4P		BUSY	Willcox det

Report Includes:

All dates between 09:30:00 07/07/12 and 11:00:00 07/07/12
 All dispatchers
 All call numbers
 All agencies matching CCSO
 All zones

1 All units
All ten codes

2 -----
3 *** End of Report /tmp/rpt57epMA-1p111111.c11

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6 (Ex. D-6)

7 129) CCSO's second false July 7, 2012 morning dispatcher's radio log, printed 8:49 a.m. November
8 28, 2012, (print date: upper left corner) was delivered to David Morgan in response to his Arizona
9 public records laws request.

10 130) The application of this false document for our purposes is the radio log does not contain Nuti's
11 fabricated recorded conversations with CCSO's dispatchers the morning of July 7, 2012.

12 131) When individuals at CCSO, who were each involved in the various aspects of the CCSO
13 false investigation/fabricated criminal case, acted consistent with, and continued, then-sheriff
14 Larry Dever's unwritten policy/procedure to keep out of the Plaintiff's possession exculpatory
15 evidence, by manually producing their false November 28, 2012 CCSO dispatcher's radio log, all
16 the recorded fabricated radio transmissions Nuti said using CCSO's radio, as written below, were
17 removed and replaced with the words "On Site" to conceal and keep out of Plaintiff's possession
18 what Nuti said using CCSO's radio concerning what he said were Plaintiff's actions at the San
19 Pedro River area of S.R. 82, the morning of July 7, 2012:

20 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

21 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
22 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37, Ex.'s D-4, D-5)

23 132) b - November 28, 2012 Dispatcher's Radio Log, p. 1 - Unit: C-148 (Nuti)...On Site - Line 11

24 11/28/12
25 08:49

Cochise County Sheriff's
CALL DETAIL REPORT

226
Page: 1

26 Call Number: C381586

27 Nature: Assault

Reported: 09:46:46 07/07/12

Rcvd By: LKovac

28 Occ Btwn: 09:45:35 07/07/12 and 09:45:35 07/07/12

Type: 1
 Priority: 3
 Address: 82 by the river
 City: Fairbanks

Alarm:

COMPLAINANT/CONTACT

Complainant: Cochise County Sheriff's Offic, Name#: 467
 Race: Sex: DOB: **/**/
 Address: 100 Colonia De Salud, Sierra Vista
 Home Phone: (520)803-3850 Work Phone: (520)803-3850

Contact: Deputy Nuti
 Address: 100 Colonia De Salud
 Phone: (520)803-3850

RADIO LOG

Dispatcher	Time/Date	Unit	Code	Zone	Agnc	Description
LKovac	09:46:46 07/07/12	C-148	ARRV	1P	CCSO	incid#=12-10612 On-site call=331
LKovac	09:47:02 07/07/12	C-133	ENRT	1P	CCSO	incid#=12-10612 Enroute to a call call=331
LKovac	09:47:11 07/07/12	C-135	ENRT	1P	CCSO	incid#=12-10612 Enroute to a call call=331
LKovac	09:47:17 07/07/12	C-638	ENRT	1P	CCSO	incid#=12-10612 Enroute to a call call=331
LKovac	09:47:46 07/07/12	C-149	ENRT	1P	CCSO	incid#=12-10612 Enroute to a call call=331
CLRy	09:55:17 07/07/12	C-148	NOTE	1P	CCSO	BP agent just showed up
LKovac	09:58:30 07/07/12	C-133	ARRV	1P	CCSO	call=331
LKovac	10:01:20 07/07/12	C-638	ARRV	1P	CCSO	call=331
MVan Kirk	10:01:35 07/07/12	C-638	ARRV	1P	CCSO	C-148, call=331
MVan Kirk	10:09:30 07/07/12	C-135	ARRV	1P	CCSO	call=331
LKovac	10:09:40 07/07/12	C-135	ARRV	1P	CCSO	call=331
JANuti	10:15:47 07/07/12	C-148	NMIN	1P	CCSO	MDC: name=BURBANK, MARTIN
CLRy	10:22:46 07/07/12	C-149	BUSY	1P	CCSO	w/ c-148
CLRy	10:28:48 07/07/12	C-148	ENRT	1P	CCSO	Hwy 90 checkpoint for f/u, call=331
AHAdfield	10:35:40 07/07/12	C-133	VHIN	1P	CCSO	MDC: pl=AMB0999
AHAdfield	10:35:41 07/07/12	C-133	VHRE	1P	CCSO	MDC: pl=AMB0999
CLRy	10:36:16 07/07/12	C-148	BUSY	1P	CCSO	Hwy 80 checkpoint
CLRy	10:51:43 07/07/12	C-133	24	1P	CCSO	neg contact
LKovac	10:55:43 07/07/12	C-638	24	1P	CCSO	
LKovac	10:56:42 07/07/12	C-135	24	1P	CCSO	incid#=12-10612 Assignment Completed call=331

11/28/12
 08:49

Cochise County Sheriff's
 CALL DETAIL REPORT

226
 Page: 2

LKovac 10:56:42 07/07/12 C-148 24 1P CCSO incid#=12-10612 Assignment Completed call=331

COMMENTS

09:48:40 07/07/2012 - LKovac
 W/M dirty appearance has backpack blue denim shirt long beard black ball cap pointed weapon at officer.
 09:49:05 07/07/2012 - LKovac
 subject has water bottle

09:49:49 07/07/2012 - LKovac
 no longer have visual, advise units coming from the east
 09:51:10 07/07/2012 - LKovac
 has revolver in his waistband was pointed at officer, ran into the bushes
 09:51:45 07/07/2012 - MVan Kirk
 DPS is enroute
 09:52:07 07/07/2012 - LKovac
 133 request 112 be notified
 09:53:28 07/07/2012 - LKovac
 passerby advised he didn't cross the road, possibly cutting south
 09:56:18 07/07/2012 - MVan Kirk
 C-148 have usbp 23 & they will try to get helo airborne
 09:56:24 07/07/2012 - LKovac
 BP on scene will attempt to launch Omaha
 10:01:44 07/07/2012 - LKovac
 per c133 units can cut down
 10:08:43 07/07/2012 - LKovac
 per c133 open channel

UNIT HISTORY

Unit	Time/Date	Code
C-133	09:47:02 07/07/12	ENRT
C-133	09:58:30 07/07/12	ARRV
C-133	10:35:40 07/07/12	VHIN
C-133	10:35:41 07/07/12	VHRE
C-133	10:51:43 07/07/12	24
C-135	09:47:11 07/07/12	ENRT
C-135	10:09:30 07/07/12	ARRV
C-135	10:09:40 07/07/12	ARRV
C-135	10:56:42 07/07/12	24
C-148	09:46:46 07/07/12	ARRV
C-148	09:55:17 07/07/12	NOTE
C-148	10:15:47 07/07/12	NMIN
C-148	10:28:48 07/07/12	ENRT
C-148	10:36:16 07/07/12	BUSY
C-148	10:56:42 07/07/12	24
C-149	09:47:46 07/07/12	ENRT
C-149	10:22:46 07/07/12	BUSY
C-638	09:47:17 07/07/12	ENRT
C-638	10:01:20 07/07/12	ARRV
C-638	10:01:35 07/07/12	ARRV
C-638	10:55:43 07/07/12	24

11/28/12
08:49

Cochise County Sheriff's
CALL DETAIL REPORT

Page: 226
3

RESPONDING OFFICERS

Unit	Officer
C-133	AHadfield
C-135	DAvery
C-148	JANuti
C-149	NTasch
C-638	DBunnell

INVOLVEMENTS

Type	Record#	Date	Description	Relationship
NM	467	07/07/12	Cochise County Sheriff's Off	Complainant
LW	12-10612	07/07/12	Information 12-10612 MM 51	Initiating Call

(Ex. D-7)

1 5 - Discrepancies In November 5 And 28, 2012 CCSO Dispatcher's Radio Logs

2 133) When individuals at CCSO, who were each involved in the various aspects of the CCSO false
3 investigation/fabricated criminal case, acted consistent with, and continued, Dever's unwritten policy /
4 procedure to keep out of the Plaintiff's possession exculpatory evidence, manually produced their false
5 November 5 & 28, 2012 CCSO dispatcher's radio logs, in the November 5, 2012 CCSO dispatcher's
6 radio log; it included CCSO radio countywide traffic:

7 134) Incident: 12-10611, 12-10613, and 12-10615, CCSO's false Incident # against Plaintiff:
8 Incident: 12-10612, (See pgs. 47-49 above).

9 135) The November 28, 2012 CCSO dispatcher's radio log did not include CCSO radio countywide
10 traffic (Incident: 12-10611, 12-10613, and 12-10615);

11 136) it only listed CCSO's false Incident # against Plaintiff: 12-10612. (See pgs. 49-51 above)

12 137) It is obviously the two false CCSO dispatcher's radio logs, November 5 and 28, 2012, were not
13 printed from the original as it existed in CCSO's computer, the discrepancies reveal the two radio logs
14 were manually produced, the first with countywide radio traffic, and the second without the countywide
15 radio traffic; therefore, they were manually manufactured and both were false documents.

16 6 - Timeline Of Hadfield Closing and Opening Radio Channel- No Countywide Traffic

17 138) There shouldn't have been any countywide radio traffic in CCSO's dispatcher's radio log for the
18 morning of July 7, 2012; from the point in time Hadfield, using her CCSO radio, instructed the CCSO
19 dispatcher to close the radio channel; they needed a private channel for Nuti's false emergency.

20 139) July 7, 2012, about 9:44 a.m., Hadfield instructed the dispatcher:

21 "133 (Master Deputy Allison Hadfield): Can you call the checkpoint? Put it on [words edited out] 17
22 [Means En Route], from BST [Means Buffalo Soldier Trail]. Male (Time): 09:44 (Tone). (Ex. B-1,
23 Counter 00:58-01:01)

24 140) On July 7, 2012, 10:07 a.m., Hadfield, Unit: C-133, after she earlier instructed CCSO
25 dispatcher to close the radio channel to countywide traffic, told the CCSO dispatcher to open the radio
26 channel to countywide traffic:

27 "133 (Hadfield): You can go ahead and open the channel for now. Male: All units resume normal
28 traffic So1. Time is 10:07: (Ex. B-1, Counter 07:36-08:06)

141) 7 - November 28, 2012 - CCSO Dispatcher's Radio Log - "Open Channel" - Line 16

11/28/12
08:49

Cochise County Sheriff's
CALL DETAIL REPORT

Page: 226
2

LKovac 10:56:42 07/07/12 C-148 24 1P CCSO incid#=12-10612 Assignment
Completed call=331

COMMENTS

09:48:40 07/07/2012 - LKovac
W/M dirty appearance has backpack blue denim shirt long beard black ball cap
pointed weapon at officer.
09:49:05 07/07/2012 - LKovac
subject has water bottle
09:49:49 07/07/2012 - LKovac
no longer have visual, advise units coming from the east
09:51:10 07/07/2012 - LKovac
has revolver in his waistband was pointed at officer, ran into the bushes
09:51:45 07/07/2012 - MVan Kirk
DPS is enroute
09:52:07 07/07/2012 - LKovac
133 request 112 be notified
09:53:28 07/07/2012 - LKovac
passerby advised he didn't cross the road, possibly cutting south
09:56:18 07/07/2012 - MVan Kirk
C-148 have usbp 23 & they will try to get helo airborne
09:56:24 07/07/2012 - LKovac
BP on scene will attempt to launch Omaha
10:01:44 07/07/2012 - LKovac
per c133 units can cut down
10:08:43 07/07/2012 - LKovac
per c133 open channel

(Ex. D-7)

142) Their above November 5 and 28, 2012 CCSO dispatcher's radio logs were supposed to be the printouts of what was in CCSO's computer and, with one having countywide radio traffic, and the other not having it, it is clear their two documents are false CCSO dispatcher's radio logs.

143) The November 5, 2012 CCSO dispatcher's radio log was falsely produced with the countywide traffic consistent with what CCSO/sheriff/records supervisor Capas wrote and sent in an email October 11, 2012 to David Morgan about what would be included in the copy of the audio radio transmissions recording at the river area of S.R. 82; the morning of July 7, 2012; that is; the statement their radio transmissions recording would "include countywide traffic."

144) October 11, 2012, 3:34 p.m., CCSO/Rothrock/Capas responded to Morgan's/Vierra's request for the complete audio recording of Nuti's July 7, 2012 morning river radio transmissions to the CCSO dispatcher:

1 Ms Capas,

2 The audio recording supplied to me related to my public records request of a month or so ago (Jerry Vierra, incident of July 7, 2012) has an audio file
3 duration of 10 min 41 sec but the time period covered, as indicated by electronic time-stamps, is clearly from some minutes before 9:44AM through at
4 least 10:51AM

5 I'd like to obtain a complete recording, from the same multiple inputs sources as before, covering that period of more than one hour.

6 I'm guessing that 9:30AM to 11:00AM should cover it.

7 The starting point should probably be a communication to or from Officer Nuti some minutes before 9:44AM

8 (Ex. D-8, pgs. 7-9)

9 Mr. Morgan,

10 Thank you for the re-send of the information. The time period covered was for inputs related to the vierra case, but I will get the entire
11 recorded set to you for the time period specified. This will include county wide traffic as the total record will be there.

12 (Ex. D-8, pgs. 7-9)

13 8 - Timeline: David Morgan's Request For July 7, 2012 Radio Transmissions Recording

14 145) Viewing the time-line from August 21, 2012 to November 2012, David Morgan on behalf of the
15 Plaintiff, sought CCSO's one hour eight minute: 9:43 a.m.-10:51 a.m., July 7, 2012 morning river radio
16 transmissions recordings through Arizona public records laws requests; Morgan specifically wrote the
17 particular sections in the recording of interest, what CCSO used in their July 7, 2012 "press release /
18 posting" on then-sheriff Larry Dever's Facebook page: (Ex. A-1, p. 8 # 44, Ex.'s D-4, D-4)

19 Ms Capas,

20 Attached is my formal request for records (electronic and physical) described as:

- 21
- 22 • Such radio transmissions, text messages, phone recordings and any written documents which led to the preparation of
23 the press release/posting:

24 "On Saturday July 7, 2012 at approximately 0945 hours, a Cochise County Sheriff's Deputy was patrolling the area near
25 mile post 55 on State Route 82.

26 The Deputy observed a male subject standing on the side of the road, armed with what appeared to be a handgun. The
27 Deputy advised that the male

28 subject pointed the weapon at him, and once the Deputy stopped his patrol vehicle and returned to the area, the man had fled into the
desert."

(Ex. D-8, p.1)

1 9 - Then-Sheriff Larry Dever's Facebook Page Public Alert

2 146) Then-CCSO Sheriff Larry Dever designated / assigned his public alert reporting officer to write
3 his Facebook public alert, which was written and posted July 7, 2012, 10:06 p.m., the first part of his
4 public alert was from Nuti's radio transmissions the morning of July 7, 2012, at the river area of S.R.
5 82, and Dever himself had to directly participate in the writing of the public alert; he approve the
6 content of the same:

7 10 - Cochise County Sheriff's Office Policy Manual Public Alerts

8 334.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

9 The Sheriff [Larry Dever] shall designate a Public Alert Reporting Officer who is responsible for: (b)
10 Activating, maintaining and cancelling all public alerts: (Ex D-9, p. 1-2)

11 Armed Man Being Sought by Local Law Enforcement

12 On Saturday July 7, 2012 at approximately 0945 hours, a Cochise County Sheriff's Deputy was
13 patrolling the area near mile post 55 on State Route 82. The Deputy observed a male subject
14 standing on the side of the road, armed with what appeared to be a handgun. The Deputy advised
15 that the male subject pointed the weapon at him, and once the Deputy stopped his patrol vehicle
16 and returned to the area, the man had fled into the desert.

17 The Deputy requested assistance from the Arizona Department of Public Safety and US Border
18 Patrol to search the area and they were unable to locate the suspect.

19 After 1700 hours, Sheriff's Deputies were again in the area on routine patrol when they again
20 observed the man and attempted to make contact with him without success.

21 The Sheriff's office will continue to patrol the area and attempt to make contact with the suspect in
22 this case.

23 (Ex.'s D-4, D-5)

24 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

25 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
26 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
27 area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

28 147) Dever had one of two choices in his false public alert, 1) to use Nuti's report, "Subject removed
his weapon from his holster and pointed it at the ground," which probably would have provoked an
immediate reaction from the people of Cochise County, what did the deputy do to provoke that action?
or 2) use something dramatic the people would probably view as more serious, what Nuti fabricated
using CCSO's radio, "Subject standing on the side of the road, pointed a weapon at the deputy;" so,
Dever chose to use the latter, i.e., what Nuti fabricated using CCSO's radio to rally support from the
people; he got it; during CCSO's continuing false two and a half day manhunt for Plaintiff, people were

1 more than eager, without questioning, to help CCSO track down and capture the one CCSO falsely
2 accused of threatening a deputy.

3 11 - August 22, 2012 CCSO Produced/Delivered False July 7, 2012 Radio Recording

4 148) It was August 22, 2012, CCSO/Sheriff, through records custodian Carol Capas, replied to
5 David Morgan's Arizona public records laws request and provided him with a CD: the false ten minute
6 forty-one second copy of CCSO's one hour eight minute: 9:43 a.m. - 10:51 a.m., July 7, 2012 morning
7 river radio transmission: (Ex. B-1 - CD)

8 On August 22, 2012, Mrs. Carol Capas, (Mrs. Capas), Public Information Officer, the spokesperson
9 for CCSO, and the CCSO Jane or John Does, produced and Mrs. Capas provided an Edited Copy of
10 the July 7, 2012, 9:43 AM, Full Audio River Radio Transmission, which omitted (Nuti's) fabricated
11 radio transmission to the CCSO dispatcher that was used on CCSO's July 7, 2012, 10:06 PM,
12 Facebook Post. The Edited Copy was 10 minutes, 41 seconds of about a 1 hour, 8 minute audio
13 recording. (Ex. A-1, p. 8, # 45, Ex. B-1)

14 Mr. Morgan,

15 The Sheriff's Office has radio/phone recordings related to this case and available for your review and or purchase in the Bisbee Office. The
16 cost of the CD if you choose that option is \$10.00. There are no "text messages" or written documents leading to the preparation of the
17 press release/posting as you mention.

18 (Ex. D-8, p. 4)

19 149) Omitted from CCSO's false ten minute forty-one second copy of the one hour eight minute July
20 7, 2012 complete radio transmissions recording were all the words Nuti spoke using CCSO's radio the
21 morning of July 7, 2012, that were used to write then-sheriff Larry Dever's Facebook public alert press
22 release / posting; which is what David Morgan specifically requested:

23 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

24 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
25 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
26 area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

27 12 - Then-Sheriff Larry Dever's Unwritten Policy/Procedure

28 150) It was on August 22, 2012, when then-late-sheriff Larry Dever established the unwritten policy /
procedure to keep out of the Plaintiff's possession the exculpatory evidence: what then-deputy James
Nuti, Jr. fabricated using CCSO's radio the morning of July 7, 2012, at the river area of S.R. 82, which
was posted the night of July 7, 2012 on then-sheriff Larry Dever's Facebook page as a public alert.

151) Beginning with the August 22, 2012 false ten minute forty-one second copy of the July 7, 2012 morning river radio transmissions recording, the aforementioned false CCSO dispatcher's radio logs-November 5 & 28, 2012, were a continuation of Dever's unwritten policy / procedure to keep out of Plaintiff's possession Nuti's July 7, 2012 morning radio transmissions, by the two succeeding sheriff's, Rodney Rothrock and Mark Dannels, following Larry Dever dying in the single vehicle drunk driving accident, where he totaled an \$80,000.00 Cochise County truck, while driving 62 m.p.h. and drunk on a mountain dirt road in northern Arizona.

13 - CCSO's/Dever's Abovementioned Unwritten Policy/Procedure Used In Federal Courts

152) CCSO's/Dever's aforementioned established unwritten policy/procedure to keep out of Plaintiff's possession what Nuti said using CCSO's radio the morning of July 7, 2012, at the river area of S.R. 82 was used by Hauser, Gijanto, Hadfield, Tasch, Capas, and Nuti to create their false October 14, 2013 CCSO dispatcher's radio log.

153) The accumulated actions of omitting what Nuti said using CCSO's radio the morning of July 7, 2012, at the river area of S.R. 82, as seen in the manual productions of the false ten minute forty-one second copy of the original one hour eight minute copy of the July 7, 2012 radio transmissions, at the river area of S.R. 82, and the three false CCSO dispatcher's radio logs were the same actions used to "Cull," their word, not Plaintiff's, to cherry-pick out fifteen of nineteen words from what Plaintiff wrote on the face of A-1; what Nuti spoke using CCSO's radio, "Once the deputy stopped his patrol vehicle and returned to the area, the man had' fled into the desert," from their false arguments written in both their motions to dismiss in District Court and twice in their opening brief in the Ninth Circuit; explained below.

14 - Audio Phone Recording Edited Into False July 7, 2012 River Radio Transmissions CD

154) CCSO/Sheriff through records custodian/public information officer Carol Capas lied about their press release/posting on CCSO's then-sheriff Larry Dever's July 7, 2012, 10:06 p.m. Facebook page containing written words from the July 7, 2012 morning phone conversation between CCSO dispatcher Marquita and DPS dispatcher Shannon, which was edited into their false ten minute forty-one second edited copy of the one hour eight minute: 9:43 a.m. - 10:51 a.m., July 7, 2012 radio transmissions recording from the river area of S.R. 82; that they released to David Morgan on a CD.

155) The press release/posting only used Nuti's fabricated July 7, 2012 morning radio transmissions from the river area of S.R. 82:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

156) Radio transmissions and phone conversations were two different recordings. The dispatcher talking and listening to deputies on CCSO's radio would not be audio recording the other dispatcher's phone conversation, nor would they enter the words spoken by another dispatcher sitting next to them into the CCSO's official radio log, as illustrated by the picture below:

157) 15 - Cochise County Sheriff's Office 132nd Birthday Video



Sheriff Dannels

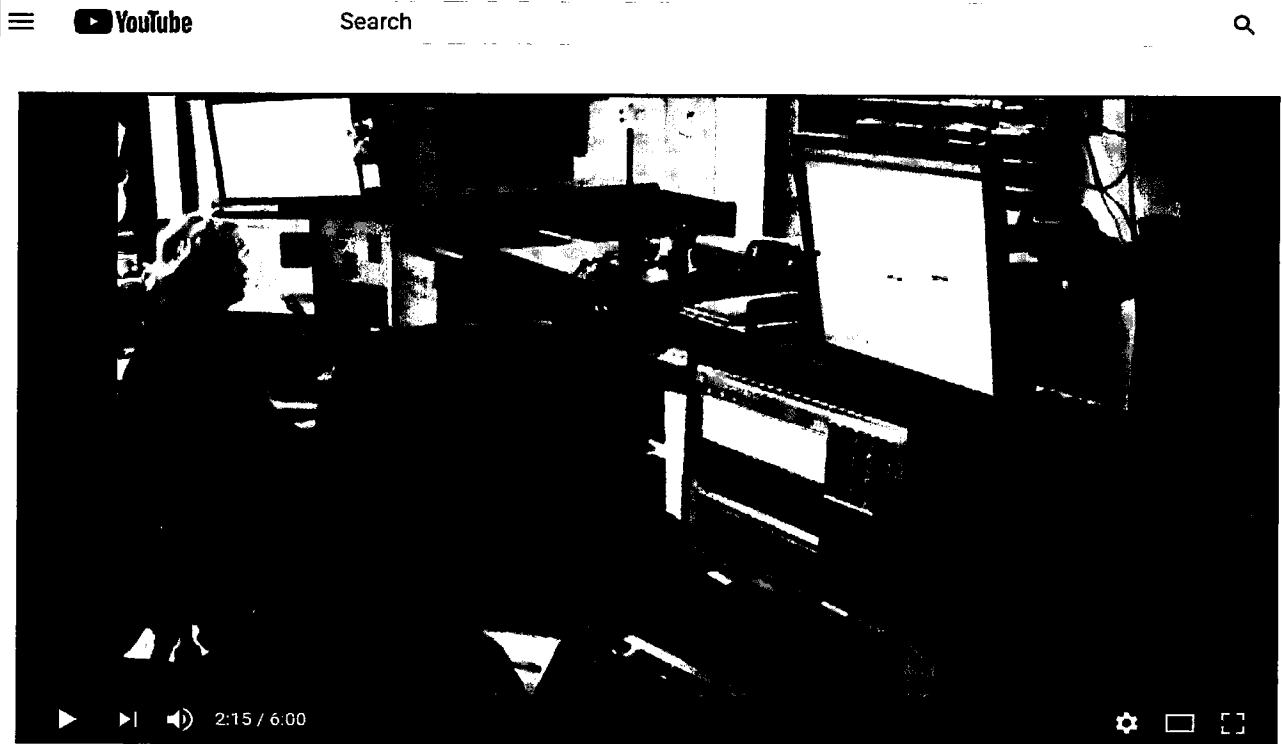
February 4, 2013 · 🌐

👍 Like Page

Hello everyone, I just wanted to share the CCSO 132nd Birthday Video.... I hope you all enjoy it as much as I do.. Thanks.

🔗 <https://www.youtube.com/watch?v=OID0LqVCjG4>

Apps 📧 Inbox - whetstone19 🐦 Donald J. Trump (@re 🐦 (332) News about #N 📺 The Truth about Coc 📺 Arizona Legal Ethics 📄 FRAUD CITES



Cochise County Sheriff's Office 132nd Birthday Video

441 views

 3
  1
  SHARE
 
 ...


Sheriff Mark Dannels
Published on Feb 4, 2013

SUBSCRIBE 3

Category

People & Blogs

License

Standard YouTube License

0 Comments  SORT BY

Add a public comment...

(Ex. D-10)

158) When individuals at CCSO, who were each involved in the various aspects of the CCSO false investigation/fabricated criminal case, acted consistent with, and continued, Dever's unwritten policy / procedure to keep out of the Plaintiff's possession exculpatory evidence, manually produce their false November 28, 2012 dispatcher's radio log, under the comments they included what Nuti said were Plaintiff's actions with the gun at the river area of S.R. 82; the morning of July 7, 2012 and what the CCSO dispatcher recorded, "pointed weapon at officer;" which was a precise quote, and not an interpretation of the words Nuti spoke.

159) During their manual production of the dispatcher's radio log, they reversed the order of what was written on the real CCSO dispatcher's radio log: Dispatcher Time/Date, as seen in the first illustration, they put Time/Date before Dispatcher and omitted Unit #, Code, Zone, Agnc (Agency) to conceal the source of the words entered into the radio log by CCSO dispatcher, or who spoke them, and they only entered the Description;

160) the following heading is what their radio log is supposed to look like:

Dispatcher	Time/Date	Unit	Code	Zone	Agnc	Description
------------	-----------	------	------	------	------	-------------

161) Their false heading below, "Time/Date" - "Dispatcher," while omitting the rest of the preceding, "Unit, Code, Zone, Agnc, Description" was to conceal who spoke the words below, and the following is the way their falsely created November 28, 2012 CCSO dispatcher's radio log looks:

COMMENTS

09:48:40 07/07/2012 - LKovac
W/M dirty appearance has backpack blue denim shirt long beard black ball cap
pointed weapon at officer.

(Ex. D-7)

162) The words individuals at CCSO, who were each involved in the various aspects of the CCSO false investigation/fabricated criminal case entered under the Comments on page 2 of their November 28, 2012 false CCSO dispatcher's radio log: "W/M - dirty appearance - has back pack - blue denim shirt - long beard - black ball cap - pointed weapon at officer," were words Nuti spoke and the CCSO dispatcher entered into the Computer Aided Dispatch system; their "rapid and accurate collection of information relating to [Nuti's fabricated] emergenc[y]...in the most professional and efficient manner possible." That is "true for every call, consistently and without prejudice," (CCSO Legacy Project Staff Part 3):

Dispatcher Time/Date	Unit	Code	Zone	Agnc	Description	
11/28/12	Cochise County Sheriff's					226
08:49	CALL DETAIL REPORT					2
LKovac	10:56:42	07/07/12	C-148	24	1P	CCSO incid#=12-10612 Assignment Completed call=331

COMMENTS

09:48:40 07/07/2012 - LKovac

W/M dirty appearance has backpack blue denim shirt long beard black ball cap pointed weapon at officer.

(Ex. D-7)

16 - CCSO Marquita Quoted Verbatim What Dispatcher Logged

163) The words individuals at CCSO, who were each involved in the various aspects of the CCSO false investigation/fabricated criminal case, entered under Comments on page 2 of the November 28, 2012 false CCSO dispatcher's radio log: "W/M - dirty appearance-has back pack - blue denim shirt - long beard - black ball cap - pointed weapon at officer," is what Nuti said using CCSO's radio, and it was those words that were quoted verbatim, by CCSO Marquita to DPS Shannon, with the exception of "cap," Shannon interrupted Marquita, before she finished her sentence:

CCSO Marquita / DPS Shannon Phone Conversation

Marquita: Um, white male, dirty appearance, with a backpack, blue denim shirt, long beard, black ball (Missing: Cap)...end

Shannon: Um, I'm sorry, just, just a second. Does he have a gun or anything?...end

Marquita: Yea. He pointed a weapon at the officer...end (Ex. B-1, Counter #'s 407-420)

17 - CCSO Marquita Did Not Hear Nuti's Earlier Radio Transmission - She Arrived After

164) When CCSO dispatcher Marquita was asked by DPS dispatcher Shannon, if she had any

1 other information, she said, "Let me check the, because I just walked in." Marquita, at the time of the
 2 phone call, had just arrived at her work station at CCSO; therefore, she was quoting to Shannon what
 3 the CCSO dispatcher already entered into CCSO's C.A.D. system, or CCSO's dispatcher's radio log:

4 CCSO Marquita / DPS Shannon Phone Conversation

5 Marquita: (Phone Call): This is the sheriff's department, Marquita, how can I help you?...end

6 Shannon: Hi. This is, ah, Shannon, Highway Patrol. My officer is hearing that you have a deputy
 7 that is being threatened by "Another" subject.

8 Marquita: Yea...end

9 Shannon: Ok. We have somebody on the way. Do you have any other info?...end

10 Marquita: Oh. Let me check the, because I just walked in...end (Ex. B-1, Counter #'s 346-406)

11 18 - CCSO Inserted Audio Phone Recording Into False
 12 10 Min. 41 Sec. False Audio Radio Recording

13 165) CCSO/Sheriff Dever edited, or had edited for them, into their false ten minute forty-one second
 14 edited copy of their about one hour eight minute: 9:43 a.m.-10:51 a.m. July 7, 2012 radio transmissions
 15 recording from the river area of S.R. 82, CCSO Marquita and DPS Shannon's audio phone recording,
 16 and falsely wrote through Capas the phone recording was used in the CCSO's July 7, 2012 Facebook
 17 public alert:

18 "Mr. Morgan...Sheriff's Office has 'radio/phone recordings' related to this case and available for your
 19 review and or purchase;" (Ex. D-8, p. 4)

20 166) in reality, the words spoken concerning Plaintiff pointing a gun at the deputy: "pointed weapon
 21 at officer," was what Nuti said using CCSO's radio, the CCSO dispatcher recorded, and it was what
 22 Marquita "read from CCSO's dispatcher's radio log" to DPS Shannon. (A-1, p. 8 # 44, B-1, Counter #'s
 23 407-420)

24 19 - Nuti Admitted He Lied About Plaintiff Pointing Gun At Him

25 167) CCSO/Sheriff did, or had done for them, the preceding, because they knew Nuti admitted in
 26 his July 7, 2012 river report he lied using CCSO's radio about Plaintiff pointing a gun at him; Nuti
 27 wrote in his July 7, 2012 river report:

28 Other CCSO units and Border Patrol arrived on scene as well as Highway Patrol. *As the Male Did
 Not Point The Firearm At Me*, it was decided to monitor to [sic] the area and attempt to locate him to
 identify who he was. After approximately one hour of being in the area, all units had negative contact
 with the male subject. (Ex. D-11, p. 2)

1 168) CCSO/sheriff Dever manufactured, or had manufactured for them, the false ten minute forty-
 2 one second edited copy of the one hour eight minute river radio transmissions from the morning of
 3 July 7, 2012; they omitted from their false ten minute forty-one second copy of the one hour eight
 4 minute radio transmissions recording what Nuti said using CCSO's radio about Plaintiff pointing a gun
 5 him; CCSO / sheriff Dever, knew or should have known within the realm of his experience as a deputy
 6 / sheriff, what Nuti said using CCSO's radio about Plaintiff pointing a gun at him was, without question,
 7 a false statement of a material fact and it was indeed exculpatory evidence;

8 169) CCSO/sheriff Larry Dever, August 22, 2012, did in fact, established CCSO's unwritten policy to
 9 conceal the exculpatory evidence from Plaintiff; to keep it out of Plaintiff's possession; Dever's policy
 10 continued to be implemented by the two following sheriffs, Rodney Rothrock; Mark Dannels; and by
 11 CCSO/Rothrock, as seen in their two false CCSO dispatcher's radio logs, November 5&28, 2012; and
 12 then by Hauser, Gijanto, Hadfield, Tasch, Capas, and Nuti on or about October 14, 2013 in their false
 13 CCSO dispatcher's radio log, which was created after the now withdrawn civil action began on August
 14 1, 2013, which they intended to and did enter into the now withdrawn civil action through their March
 15 30, 2017 response to Plaintiff's F.R.Civ.P. 34 discovery request; again to keep out of Plaintiff's
 16 possession the tangible evidence of what Nuti fabricated using CCSO's radio the morning of July 7,
 17 2012, at the river area of S.R. 82, to keep / prevent Plaintiff from proving his civil rights were in fact
 18 violated in now withdrawn civil action.

19 20 - Group Decision To Change Nuti's Fabricated River Radio Transmission

20 170) The words Nuti wrote in his July 7, 2012 river report: "It was decided to monitor to [sic] the area
 21 and attempt to locate him" reveals their Group Decision, at the San Pedro River area of S.R. 82, to
 22 change Nuti's fabricated river radio transmission statements:

23 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

24 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 25 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 area, the man had fled into the desert. (A-1, pgs. 6-7, # 35, 39, 37)

26 171) Nuti didn't write, "I Decided," in the singular, he wrote the words, "it was decided," in the plural;
 27 he and others from CCSO, who responded to the river area to assist Nuti in his false emergency, made
 28 the decision to monitor the area of S.R. 82; the only place where they were all gathered together. In

context with what Nuti wrote, the group decided to monitor the river area; and, it was at the river area of S.R. 82, the group decided to change what Nuti said using CCSO's radio about the male pointing a gun at him to the male did not point a gun at Nuti. Therefore, Nuti's second fabricated statement; what Nuti wrote in his river report, or conveyed through other means, regarding the male pointing the gun at the ground originated from a group decision, during their Group Discussion, while those from CCSO were all gathered at the San Pedro River area of S.R. 82; present were Nuti, Hadfield, Tasch, etc.

21 - Radio Transmission From Portable Radio

172) The audio phone recording was not part of the radio transmission. The radio interruption, when Marquita was speaking with Shannon was picked up by Marquita's head set from the portable radio at the top center in the picture of the two dispatchers; (p. 58) Marquita's voice drowned out the radio transmission of 133: Deputy Hadfield, as seen below:

CCSO Marquita / DPS Shannon Phone Conversation

Shannon: Ok. Ok, and what is going on with your guy right now? Is he answering, or?...end

Marquita: Um, let me find out. Is he answering? We heard anymore from him? The deputy out on 82.

(Radio Interruption: 133, do you have [inaudible].

Marquita: He is code 4 at this point in time, and he no longer has visual on the subject...end (Ex. B-1, counter #'s 440-503)

22 - Morgan/Vierra Sought CCSO's Entire July 7, 2012 Radio Transmissions Recording

173) From August 21, 2012 - October 25, 2012; Plaintiff / David Morgan tried repeatedly to obtain the complete recording of the July 7, 2012 morning radio transmissions, at the San Pedro River area of S.R. 82 from CCSO through CCSO's custodian of records / public information officer Carol Capas; the efforts were to no avail, CCSO refused to release it, pursuant to sheriff Dever's unwritten policy / procedure to keep it out of Plaintiff's possession, even after saying they would:

During the month of October 2012, Mrs. Capas, as spokesperson for CCSO, refused to provide Mr. Morgan, through his Arizona Public Records Laws Requests, the complete recording of Nuti's July 7, 2012 fabricated audio river radio transmission, even after she said she would. (Ex. A-1, p. 8, # 46)

174) October 1, 2012 - Excerpt From Ex. D-8:

1 Ms Capas,

2 The audio recording supplied to me related to my public records request of a month or so ago (Jerry Vierra, incident of July 7, 2012) has an audio file
3 duration of 10 min 41 sec but the time period covered, as indicated by electronic time-stamps, is clearly from some minutes before 9:44AM through at
4 least 10:51AM

5 I'd like to obtain a complete recording, from the same multiple inputs sources as before, covering that period of more than one hour.

6 I'm guessing that 9:30AM to 11:00AM should cover it.

7 (Ex. D-8, p. 7)

8 175) October 11, 2012 - Excerpt From Ex. D-8:

9 Ms Capas,

10 I was at the CCSO admin office this morning on another matter and chanced to meet Ms Terry Nuti which reminded me to ask you the status of my
11 request for the full audio recording of the time period related to the incident involving Jerry Vierra (and Deputy James Nuti).

12
13 (Ex. D-8, p. 8)

14 176) On October 11, 2012, CCSO/Rothrock/Capas responded to David Morgan's second request:

15 Mr. Morgan,

16
17 Thank you for the re-send of the information. The time period covered was for inputs related to the vierra case, but I will get the entire
18 recorded set to you for the time period specified. This will include county wide traffic as the total record will be there.

19 (Ex. D-8, p. 9)

20 23 - October 17, 2012 - David Morgan Phone Conversation With Attorney Terry Bannon
21 a - CCSO "Lied:" Said They Have No Way To Redact Portions Of 90 Min. Radio Transmissions

22 177) David Morgan emailed Plaintiff to convey the highlights of the conversation between him and
23 Cochise County attorney Bannon. Morgan wrote, "CCSO [said] they had no way of redacting portions
24 of the 90 minute audio:" [July 7, 2012 morning radio transmissions recording from river area of S.R.
25 82], "that were not relevant to your incident." Morgan wrote he pointed out CCSO's statement about
26 not being able to redact/edit out was a false statement: "could not be true as [CCSO] had provided
27 [him] with a ten minute recording which span the entire hour and a half," and "CCSO [was] jerking
28 [him] (and [Plaintiff]) around."

1 The request is causing someone some trouble.

2 I had a lengthy and good phone conversation this morning with attorney Bannon about the recording (and public docs in
3 general) and I think she began to get the picture when she told me that the CCSO had told her they had no way of redacting
4 portions of the 90 minute audio that were not relevant to your incident.

5 I pointed out that their statement to her could not be true as they had provided me the 10 minute recording which spanned the
6 entire hour and a half.

7 She said "I would be very disappointed to learn that CCSO misrepresented to me their capability to complete this request." (or
8 something very similar to that).

9 Atty Bannon now knows that the the CCSO is jerking me (and you) around.

10 (Ex. D-8, p. 10)

11 24 - Plaintiff Encouraged Morgan to Keep Trying to Get Entire July 7, 2012 Radio Transmissions

12 178) In an email written on October 18, 2012, Plaintiff encouraged David Morgan to keep trying to
13 get the copy of the entire July 7, 2012 morning radio transmissions, "Keep after them. "That is the
14 piece of evidence they don't want to release...They released the edited version immediately, it
15 showed them in a good light. I told you that. I also said they would do everything they can to stop the
16 release of the full version:"

17 Keep after them. That's the piece of evidence they do not want to release. The rigged case against me may have involved
18 many in the upper ranks, under Dever's instructions.

19 Maybe Terry Nuti is protecting her son, or relative. The whole story Nuti told was changed. It is in that recording. If we prove it,
20 that will open up a flood of questions as to what other cases have they rigged.

21 Keep pushing. They released the edited version immediately, because it showed them in a good light. I told you that. I also said
22 they would do everything they can to stop the release of the full version.

23 (Ex. D-8, p.11)

24 179) The evidence now reveals Plaintiff was right; he wrote on October 18, 2012, "The rigged case
25 against me may have involved many in the upper ranks, under Dever's instructions:" Now identified as
26 then Chief Deputy / then interim Sheriff Rodney Rothrock; / then Lieutenant / here Commander Forest
27 Hauser, then Sergeant / here Lieutenant Sean Gijanto, Master Deputy Allison Hadfield, an over
28 twenty year employee, Supervisor of the records department Carol Capas, Deputy Nathanael Tasch,
and then deputy, here Arizona police certified, ex-deputy James Nuti. Jr.

25 - October 25, 2012 Morgan - Scheduled Three-Way Phone Call With Attorney Bannon

1 180) October 25, 2012 David Morgan replied to Plaintiff's email inquiring when the July 7, 2012
 2 radio transmissions would be ready; Morgan sent an email to Plaintiff to let him know there was a
 3 scheduled phone conversation with attorney Bannon the following day at 10:00 a.m. to get a progress
 4 report:

5 **Did they say when it would be ready?**

6 (Ex. D-8, p. 12)

7 **I'm to call Deputy County Attorney Bannon tomorrow morning at 10AM for a progress report.**

8 (Ex. D-8, p. 13)

9 26 - October 26, 2012 - David Morgan - Terry Bannon - Carol Capas - Phone Conversation

10 181) October 26, 2012, 10:00 a.m., David Morgan had a three-way conversation with attorney Terry
 11 Bannon and Carol Capas; Plaintiff was in the room only listening to the phone conversation. David
 12 Morgan asked about the July 7, 2012 morning radio transmissions recording, and Capas offered the
 13 July 7, 2012 morning CCSO dispatcher's radio log; Morgan said he would like to see it, and Capas
 14 asked, "Do you want that instead of" the July 7, 2012 morning radio transmissions recording?" Morgan
 15 said he would like both of them.

16 27 - Morgan Reiterated In Email What He Said To Capas - Both Audio Recording And Radio Log

17 182) On November 5, 2012, David Morgan reiterated what he said to Capas, during the October 26,
 18 2012 three-way phone conversation between him, Bannon, and Capas, which Plaintiff heard, but
 19 didn't participate in, "I would like to review that log/report (related to the Jerry Vierra incident)...This is
 20 not in place of the original request for the audio [radio transmissions], but the log / report may assist
 21 us in determining more precise areas of interest:"

22 Good morning, Ms Capas

23 Thank you, yes, I would like to review that log/report (related to the Jerry Vierra incident)

24 This is not in place of the original request for the audio but the log/report may assist us in determining more precise areas of
 25 interest.

26 (Ex. D-8, p. 14)

27 183) Because Plaintiff recognized the two false November 5 and 28, 2012 copies of the CCSO July
 28 7, 2012 morning dispatcher's radio logs were false documents, he and Morgan abandoned attempts

1 at that time to obtain the true and complete copy of CCSO's ninety minute July 7, 2012 river radio
2 transmissions recording, as it existed on the day of its creation, but Plaintiff did pursue a copy of that
3 recording later.

4 28 - Plaintiff Sought From CCSO Entire July 7, 2012 Radio Transmissions Recording

5 184) On January 9, 2013, Plaintiff sent his Arizona public records laws request to CCSO, via email,
6 through custodian of records Carol Capas for a copy of the July 7, 2012 radio transmissions from the
7 river area of S.R. 82:

8 185) "I would like a copy of all the radio and telephone transmissions of Deputy James Aldo Nuti, Jr.
9 and others involved in the incident on S.R. 82, around the San Pedro River, beginning at about 9:40
10 a.m. until 10:51 a.m. that same morning:"

11 **Cochise County Old-Tymer** <whetstone1964@gmail.com>

1/9/13



12 to Carol, Terry ▾

13 Good Morning Mrs. Capas:

14 Jerry Vierra here... I hope you had good holidays!

15 I was told you are the one I should be talking to. I'm interested in obtaining a complete copy of the false felony package the
16 Cochise County Sheriff's Office filed with the Cochise County Attorney's office regarding the July 7, 2012 incident on the San
17 Pedro River, and subsequent incidents, during the days following, involving Deputy James Aldo Nuti Jr.

18 I would like a copy of all the audio radio and telephone transmission of Deputy James Aldo Nuti Jr. and the others involved in
19 the incident on Hwy 82 around the San Pedro River, beginning at about 9:40 am on July 7, 2012, until about 10:51 am that
20 same morning. In addition, I need copies of each of the responding deputy's reports, notes, verbal articulations over the phone,
etc.

(Ex. D-8, p. 15-16)

21 29 - CCSO Destroyed July 7, 2012 Radio Transmission Pursuant To Policy

22 186) February 1, 2013, CCSO / then-still sheriff Mark Dannels responded to Plaintiff's January 9,
23 2013 Arizona public records laws request through records Supervisor Carol Capas; revealed was the
24 exculpatory evidence; CCSO's original one hour eight minute July 7, 2012 morning radio transmissions
25 recordings, from which they made their false ten minute forty-one second edited copy on August 22,
26 2012, was destroyed; while they continued their false criminal investigation / fabricated criminal case
27 against Plaintiff, CCSO / sheriff / Capas wrote they destroyed the exculpatory evidence; Nuti's July 7,
28 2012 morning river radio transmissions, at the river area of S.R. 82.

187) When CCSO/sheriff Dannels/Capas wrote exculpatory evidence; their July 7, 2012 morning San Pedro River radio transmissions recording; was destroyed; they did so while admitting they were in the full possession of the knowledge CCSO's false criminal investigation / fabricated criminal case against Plaintiff was "ongoing;" which CCSO initiated on July 10, 2012 in the Sierra Vista Justice Court, (A-D-8a); and that their one hour eight minute river radio transmissions were destroyed according to their 90 day retention policy / procedures, authorized by [Carol] Capas 11/17/00.

188) CCSO/sheriff Dannels/Capas conveyed:

"Mr. Vierra, I have a copy of the reports you referenced in our earlier communication as 12-10612. In reference to your personal belongings, you must contact our Evidence Custodian at 520-432-9526 to make an appointment in order to retrieve items with the exception of the firearm. I have been informed this is an ongoing case and the weapon cannot be released until the case is adjudicated...The item you requested in footage from the jail cell to court is no longer available due to retention periods. The radio and other recordings you requested are no longer available due to retention periods."

<https://mail.google.com/mail/u/0/?shva=1#all/13c97cc25f891508>



Search



gle

3,366 of 4

POSE

Public Records Request re: 12-10612

Public Records Request x

Capas, Carol <CCapas@cochise.az.gov> 2/1/13

to me, Terry

Mr. Vierra,

I have a copy of the report you referenced in our earlier communication as 12-10612 and two CD's, also requested by you. This is being shuttled to the SV office at currently and should be there by 1600 hours. We are open until 1700 (5:00 pm). The cost for these materials is \$36.50 which is for the copy of the report and supplements as well as the two CD's at \$10 each.

In reference to your personal belongings, you must contact our Evidence Custodians at [520-432-9526](tel:5204329526) to make an appointment in order to retrieve items with the exception of the firearm. I have been informed that this is an ongoing case and the weapon cannot be released until the case is adjudicated, please confirm when you call.

The item you requested in footage from the jail cell to the court is no longer available due to retention periods.

The video footage you requested from the Shell station is not in our possession.

The radio and other recordings you requested are no longer available due to retention periods.

cochiseCounty

ake a call

ur mobile apps for
roid and iOS

(Ex. D8, pgs. 18-19)

30 - Communications Retention-[Carol] Capas-11/17/00-Radio Recordings: 90 Days - line 21

FROM

(FRI) FEB 15 2013 8:58/ST. 8:55/No. 9300000055 P 1

Cochise County Sheriffs Department Communications Division

Procedure Manual

Topic: Comm. Records Retention	Date: 11/17/00	Number: 07.45.00
Subtopic: Comm Procedures	Authorization: Capas	Page: 1 of 1

This policy establishes limits on the retention of Communications Records and provides guidelines for their disposal. Communications Records provide the department with valuable archive information. The availability of pertinent records is requisite in providing quality service to the department, however, retention of records beyond their period of usefulness is cumbersome and unnecessary.

Communications records shall be stored according to the following retention periods:

- | | | |
|----|--|-----------|
| a. | Hits/Confirmation/Locates | 12 Months |
| b. | Teletype Number Assignment Log | 12 Months |
| c. | ATL Summaries | 12 Months |
| d. | Teletypes (Sent & Received) | 12 Months |
| e. | CCH Log Requests | 24 Months |
| f. | Code 3 Blood Runs | 12 Months |
| g. | SRT Mission Report Sheet | 12 Months |
| h. | Abandoned Vehicles (prior to 8/8/2000) | 12 Months |
| i. | TDD Test Log | 12 Months |
| j. | MVD Requests | 12 Months |
| k. | Cleared/Cancelled Warrants (originals returned to court) | 30 Days |
| l. | 9-1-1 Audio Recordings/Radio Recordings | 90 Days |

**COCHISE COUNTY
SHERIFF'S OFFICE
OFFICIAL COPY**

(Ex. D-8 p. 20)

189) According to the print time/date stamp on the preceding November 17, 2000 copy of the policy retention periods document, it was printed Friday, February 15, 2013, right after a copy was requested through a public records request:

(FRI) FEB 15 2013 8:58/ST. 8:55/No. 9300000055 P 1

(Ex. D-8, p. 20, line 2)

31 - CCSO Deceptively Used The Year 2000 - 90 Day Retention Policy

190) CCSO/sheriff Dannels/Capas deceptively used their year 2000 - 90 day retention policy - when the 2012-13 retention policy was 180 days; they used their outdated retention policy, because David Morgan tried to obtain, during October 2012, the copy of the complete recording of the July 7, 2012 morning radio transmissions; they knew those attempts by Morgan were within the outdated / expired 90 day retention policy; July 7, 2012 - October 7, 2012:

32 - Cochise County Sheriff's Office - 2012 -13 - Policy Manual - 450.7.1 Retention Requirements

450.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

(Ex. D-12)

33 - CCSO Policy - Withhold Radio Transmission - Dispatcher's Radio Log

191) On October 1, 2012, at 11:38 a.m., David Morgan requested from CCSO/then-sheriff Rodney Rothrock through custodian of records Carol Capas a copy of the complete recording of their morning July 7, 2012 river radio transmissions recording; noting the 90 min. recording was edited down to 10 min. 41 sec.



editor.svdr <editor.svdr@gmail.com>

10/1/12

to Carol, Rod, Terry, bcc: me | v

Ms Capas,

The audio recording supplied to me related to my public records request of a month or so ago (Jerry Vierra, incident of July 7, 2012) has an audio file duration of 10 min 41 sec but the time period covered, as indicated by electronic time-stamps, is clearly from some minutes before 9:44AM through at least 10:51AM

I'd like to obtain a complete recording, from the same multiple inputs sources as before, covering that period of more than one hour.

I'm guessing that 9:30AM to 11:00AM should cover it.

1 The starting point should probably be a communication to or from Officer Nuti some minutes before 9:44AM

2 I'll prepare a new, more formal records request if required.

3 (Ex. D-8, p. 7)

4 192) CCSO/sheriff Rothrock/Capas ignored Morgan's October 1, 2012 Arizona public records laws
5 request; Morgan re-submitted the request October 11, 2012, and CCSO / sheriff responded through
6 their custodian of records Carol Capas.

7 34 - Response To Morgan's October 11, 2012 Public Records Request-Radio Transmission

8 193) CCSO/sheriff Rothrock responded to Morgan's second Arizona public records laws request on
9 October 11, 2012, for the complete copy of the original July 7, 2012 90-minute morning river radio
10 transmissions through custodian of records Capas; they admitted the original river radio transmission
11 recording was not destroyed according to their ninety day November 17, 2000 retention policy: (#13 -
12 Communications Retention, p. 69 above):

13 Mr. Morgan,

14
15 Thank you for the re-send of the information. The time period covered was for inputs related to the vierra case, but I will get the entire
16 recorded set to you for the time period specified. This will include county wide traffic as the total record will be there.

17 (Ex. D-8, p. 9)

18 194) CCSO/sheriffs Dever, Rothrock, Dannels never released a complete copy of July 7, 2012 San
19 Pedro River area radio transmissions, their inactions were consistent with then-sheriff Dever's August
20 22, 2012 unwritten policy/procedure to never release Nuti's July 7, 2012 river radio transmissions in
21 any form, audio or written to Plaintiff.

22 195) Their outdated/expired 90 day retention period began July 7, 2012 and ended October 7, 2012,
23 yet, CCSO/sheriff Rothrock/Capas wrote on October 11, 2012, the complete recording of the morning
24 July 7, 2012 river radio transmissions recording was still available.

25 196) It is obvious, CCSO/then-still sheriff Mark Dannels "Lied"; the 90 minute July 7, 2012 river
26 radio transmissions recording was not destroyed; pursuant to CCSO / Capas' November 17, 2000 - 90
27 day retention policy, as CCSO/then-still sheriff Mark Dannels, speaking through Capas, claimed
28 February 1, 2013, when Plaintiff on January 9, 2012, sought through an Arizona public records laws

1 request the complete copy of the July 7, 2012 morning river radio transmissions recording to prove his
 2 innocence and to end CCSO's false criminal investigation / fabricated criminal case.

3 35 - Discovery - Plaintiff Received False Ten Minute Forty-One Second Radio Transmissions
 4 Stand-Alone Claims: 3: §1983-(x6 Defs.), 4: §1985(3)-(x6 Defs.)

5 197) During Discovery, in the now withdrawn civil action, Plaintiff did receive from Nuti through his
 6 attorney Jellison a copy of the August 22, 2012 false ten minute forty-one second copy of CCSO's one
 7 hour eight minute: 9:43 a.m. - 10:51 a.m., July 7, 2012 morning radio transmissions recording; that
 8 were in Nuti's and Jellison's possession. (Ex. B-1, Ex. A-14, fn, Ex.'s A-17-19)

9 198) CCSO/sheriff Dannels, said through Capas they were acting according to their 90 day policy /
 10 procedure, when they destroyed, due to their retention periods, their original one hour eight minute
 11 morning July 7, 2012 radio transmission recording; and, according to what Plaintiff received from Nuti
 12 during discovery in now withdrawn civil action (Ex. B-1), they wrote the original one hour eight minute
 13 radio transmissions recording containing exculpatory evidence was destroyed, but they kept the copy
 14 of the false ten minute forty-one second edited copy of the 9:43 a.m.-10:51 a.m. radio transmission
 15 recording, which didn't contain what Nuti spoke using CCSO's radio, when he spoke words similar to
 16 these:

17 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

18 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 19 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37, Ex.'s D-4, D-5)

20 199) because that false recording served their purposes, it showed them in a good light!

21 200) The preceding was done to keep Plaintiff from possessing the true and complete copy of the
 22 tangible evidence, as it existed on the day of its creation, of what Nuti said using CCSO's radio the
 23 morning of July 7, 2012, at the river area of S.R. 82,

24 201) for Plaintiff to use in CCSO's false criminal investigation / fabricated criminal case to prove Nuti
 25 fabricated evidence to end CCSO's false criminal investigation / fabricated criminal case;

26 202) to keep Plaintiff from having a true and complete copy, as it existed on the day of its creation,
 27 of what Nuti said using the CCSO radio the morning of July 7, 2012, at the river area of S.R. 82, to
 28 use as evidence in now withdrawn civil action to prove his constitutional rights were in fact violated;

203) it was done in both situations for the purposes of deceiving the Courts/Juries, not only in State Court, in their fabricated criminal case against Plaintiff, but also in the Federal Courts during the now withdrawn civil action, these "serial liars," "serial deceivers," "serial corrupters of the judicial process," do not care to whom they lie; or whom they deceive.

36 - CCSO Caught Lying About 90 Day Retention Periods

204) January 9, 2013 Plaintiff requested a copy of the July 10, 2012 10:30 a.m. jail video:

"I also need all video and Audio Recordings...of the entrance to and the booking process in the booking room at the Sierra Vista Jail, up to at least 20 minutes after Mr. Jerry Vierra was put into a holding cell on July 9, 2012...I also need a copy of the video on July 10, 2012, where Mr. Jerry Vierra was removed from the cell, shackled and handcuffed, and taken to the courtroom for the initial appearance."

Cochise County Old-Tymer <whetstone1964@gmail.com>

1/9/13



to Carol, Terry ▾

Good Morning Mrs. Capas:

Jerry Vierra here... I hope you had good holidays!

I was told you are the one I should be talking to. I'm interested in obtaining a complete copy of the false felony package the Cochise County Sheriff's Office filed with the Cochise County Attorney's office regarding the July 7, 2012 incident on the San Pedro River, and subsequent incidents, during the days following, involving Deputy James Aldo Nuti Jr.

I also need all video and Audio Recordings, which may be separate from the video recordings of the entrance to and the booking process in the booking room, at the sierra vista jail, up to at least 20 minutes after Mr. Jerry Vierra was put into a holding cell on July 9, 2012. I also need a copy of the photograph that was taken in the booking room, where Mr. Jerry Vierra faced the camera and turned to the left. I also need a copy of the video on July 10, 2012, where Mr. Jerry Vierra was removed from the cell, shackled and handcuffed, and taken to the courtroom for the initial appearance.

(Ex. D-8, pgs. 15-16)

205) CCSO/sheriff Dannels/Capas wrote February 1, 2013, "The item you requested in footage from the jail cell to the court is no longer available due to retention periods."

Capas, Carol <CCapas@cochise.az.gov>

2/1/13



to me, Terry ▾

Mr. Vierra,

The item you requested in footage from the jail cell to the court is no longer available due to retention periods.

(Ex. D-8, pgs. 18-19)

206) CCSO/sheriff Dannels/Capas provided a July 9, 2012 - 6:00 p.m. video of Plaintiff's entrance to the booking room and of the booking process at the Sierra Vista Jail; the July 10, 2012 - 11:00 a.m.

1 video of Plaintiff being returned to the cell after the court appearance, but not their copy of the 10:30
2 a.m. July 10, 2012 video, where Plaintiff was removed from the cell, shackled and handcuffed, and
3 taken to the courtroom.

4 207) CCSO/sheriff Dannels /Capas wrote on February 1, 2013 the July 10, 2012 10:30 a.m. video
5 was not available due to CCSO's 90 day retention periods.

6 208) CCSO/sheriff Dannels/Capas "Lied;" if their July 9, 2012, 6:00 p.m. video, and the July 10,
7 2012, 11:00 a.m. video was not destroyed according to their 90 day retention policies, neither was the
8 July 10, 2012, 10:30 a.m. video destroyed.

9 209) Plaintiff received from Nuti, by and through his attorney Jellison, two of the preceding detention
10 videos - July 9, 2012, 6:00 p.m. - July 10, 2012, 11:00 a.m. during discovery in the now withdrawn civil
11 case; again, the July 10, 2012, 10:30 a.m. video was not included. (Ex. A-18, p. 2, #6, A-19, p. 2-3)

12 37 - Admission Of Intentional Omissions Of Words - Hidden In Plain View For Years

13 210) September 1, 2005, Cochise county sheriff's office / Cochise county attorney Ed Rheinheimer
14 openly admitted their intent to omit words from their official crime scene recordings and from their
15 recordings of interviews of witnesses, which has, just like what has been and will be seen in this case,
16 no doubt violated many People's Rights to Due Process.

17 211) When CCSO manually produced the false ten minute forty-one second edited copy of the July
18 7, 2012, 9:43 a.m. - 10:51 a.m. morning radio transmissions recording (Ex. B-1), where they omitted
19 what Nuti said that morning using CCSO's radio, when he spoke words similar to these:

20 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

21 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
22 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

23 212) it was just routine, business as usual, what CCSO/CAO had been doing for almost eight years:
24 September 1, 2005 - August 22, 2012.

25 213) When CCSO Commander Hauser, Lieutenant Gijanto, Master Deputy Hadfield, Deputy Tasch,
26 records Supervisor Capas, and an Arizona police certified, ex-Cochise County sheriff's office's deputy
27 James Nuti, Jr. omitted all words Nuti spoke using Cochise County sheriff's office's radio the morning
28 of July 7, 2012, at the river area of S.R. 82, the Cochise County sheriff's office's dispatcher's entered

1 into the Computer Aided Dispatch (C.A.D.) System, which was the "rapid and accurate collection...of
 2 information relating to [Nuti's fabricated] emergenc[y]...in the most professional and efficient manner
 3 possible." That is "true for every call, consistently and without prejudice," (CCSO Legacy Project Staff
 4 Part 3), from their false October 14, 2013 dispatcher's radio log, their actions were routine, business
 5 as usual, what CCSO had been doing continuously for about seven years, one month, thirteen days:
 6 September 1, 2005 - October 14, 2013:



7
 8
 9 Grant boosts sheriff, county attorney - By Michael Sullivan - September 1, 2005

10 Herald/Review

11 BISBEE - The Cochise County Sheriff's Department and county Attorney's Office will soon be
 12 upgrading their law enforcement capabilities through digital technology, thanks to a \$43,121 grant from
 13 the U.S. Department of Justice's Edward Byrne Memorial Justice Grant Program.

14 The JAG grant will be split between the two agencies, with the Sheriff's Department getting
 15 approximately \$33,000 and the county Attorney's Office about \$10,000, County Attorney Ed
 16 Rheinheimer said. Both agencies will use the funds to purchase digital voice recorders and DVD
 17 duplicators.

18 The office's computers do not have DVD recorders, so the duplicators are add-ons *to allow editing of*
 19 *crime scene recordings*, Rheinheimer said.

20 *The digital voice recorders will simplify the editing of interviews* and allow the recordings to be easily
 21 transmitted electronically among all interested parties. (Ex. D-13)

22 214) As their policy/practice, Cochise County, the police/judicial system believe they can change the
 23 rules of the game to win but, it is not a game; it is People's Lives Being Destroyed as a result of their
 24 abuses of power; the United States Constitution and State Constitutions condemns these abuses!

25 215) Restoration of Constitutional Law and Order in Cochise County, on behalf of past and present
 26 victims and to protect future victims from their abuses of power, is too long overdue. Today is the day!

27 38 - Master Deputy Allison Hadfield - July 7, 2012 - October 14, 2013 - False Radio Log

28 216) On July 7, 2012 CCSO Master Deputy Allison Hadfield heard Nuti's 9:43 a.m. fabricated radio
 transmissions from the river area of S.R. 82, and reviewed Nuti's fabricated river report:

July 7, 2012, 9:43 a.m., Hadfield...[was] within earshot of [her] radio[] to hear Nuti's River Radio
 Transmission: (Ex. A-1, p. 11, # 58)

1 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

2 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
3 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
4 area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

5 Hadfield responded on the radio within 1 minute after the beginning of Nuti's radio transmission; (Ex.
6 A-1, p. 12, # 60)

7 On July 7, 2012, at 2:19 p.m., Hadfield reviewed the fabricated evidence Nuti wrote in his report, and
8 CCSO's false investigation continued: (Ex. A-1, p. 12, # 61)

9 Nuti's River Report - July 7, 2012 - 12:57 p.m.

10 I observed a male subject walking directly on the white fog line. I approached him within my patrol
11 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
12 the firearm toward the ground. (Ex. A-1, p. 7, # 36, 38, 40) (Ex. A-1, p. 11-12, #s 58, 60)

13 217) Hadfield knew or should have known within the realm of her experience as a master deputy,
14 Nuti's two fabricated statements, the first she heard Nuti speak using a CCSO radio, and then from
15 reading Nuti's contradictory statement he wrote in his report, meant that Nuti fabricated the evidence
16 to frame Plaintiff for a crime he could not have been viewed as having committed, due to Nuti's two
17 statements so contradicting each other neither statement could be believed, and that it was indeed
18 exculpatory evidence that needed to be documented and included in CCSO's ongoing false criminal
19 investigation / fabricated criminal case CCSO filed in the Sierra Vista Justice of Peace Court, and
20 forwarded to the Cochise County attorney's office ("CAO"); for the purposes of having their false
21 felony case filed in the Cochise County's Superior Court ("Superior Court").

22 218) Hadfield omitted from CCSO's false criminal investigation / fabricated criminal case against
23 Plaintiff; Nuti's two fabricated statements, Hadfield did not write a report revealing her knowledge of
24 Nuti's two fabricated statements and, as a result of Hadfield omitting the exculpatory evidence from
25 CCSO's fabricated case, CCSO pursued Plaintiff for two and a half days, falsely arrested Plaintiff, filed
26 their fabricated case in the Sierra Vista, Arizona Justice of the Peace Court, initiated their adversarial
27 judicial criminal proceedings against Plaintiff, and, based only on Nuti's fabricated evidence, secured
28 a criminal complaint in the Justice Court against the Plaintiff, and forwarded that false case to the
CAO for the purposes of having the felony charges filed in the Superior Court against Plaintiff, with the
desired end result, Plaintiff being falsely sent to prison based in part on Nuti's fabricated evidence, (Ex.
D-11) and then, a year later, Lieutenant Sean Gijanto's Fabricated July 2, 2013 report. (Ex. D-14)

219) About a year, three months after July 7, 2012, Hadfield, consistent with her previous actions in CCSO's false criminal investigation / fabricated criminal case against Plaintiff, colluded/conspired with CCSO Commander Hauser, Lieutenant Gijanto, Deputy Tasch, records Supervisor Capas, and the Arizona police certified, ex-deputy James Nuti, Jr. to omit from their false October 14, 2013 CCSO dispatcher's radio log, Nuti's July 7, 2012 dispatcher recorded radio transmissions, where Nuti, on the original, was recorded as haven spoken words similar to these:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, #'s 35, 39, 37)

220) to keep Plaintiff from having true and complete tangible evidence to use against her/them in now withdrawn civil action; she knew or should have known, if it became known through the evidence Nuti said the preceding; she could not have argued for probable cause to obtain qualified immunity.

39 - Deputy Nathanael Tasch - July 7, 2012 - October 14, 2013 - False CCSO Radio Log

221) July 7, 2012, at or about 9:43 a.m. CCSO deputy Nathanael Tasch heard Nuti's fabricated river radio transmission; later the same day conveyed Nuti's second fabricated version of what he claimed happened at the river area of S.R. 82 to an unidentified person, which was audio recorded:

On July 7, 2012, 9:43 a.m...Deputy Nate Tasch, [was] within earshot of the[] radio[] to hear Nuti's river radio transmission: (Ex. A-1, pgs. 11-12, #'s 58)

Tasch stopped talking on CCSO's radio three seconds before Nuti began his radio transmission; he was within earshot. Tasch then responded to assist Nuti at the San Pedro River area of S.R. 82; (Ex. A-1, pgs. 11, # 59)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

July 7, 2012, about 6:54 p.m., Tasch conveyed Nuti's second "fabricated version" of what Nuti claimed happened at the river to an unidentified person; recorded by the microphone attached to the video recorder in Tasch's SUV; (Ex. A-1, p. 12, #'s 61-62, Ex. 35, Counter #'s 54:13-56:04)

Nuti's Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground. (Ex. A-1, p. 7, # 36, 38, 40)

1 222) Tasch knew or should have known within the realm of his experience as a CCSO deputy Nuti's
2 two contradictory statements, the one he heard Nuti speak using CCSO's radio, and then Nuti's second
3 contradictory statement he later learned about, which he spoke to an unidentified person, which was
4 audio recorded, Nuti fabricated evidence to frame Plaintiff for a crime he couldn't have been viewed as
5 having committed, due to Nuti's two statements so contradicting each other neither statement could
6 be believed, and it was exculpatory evidence that needed to be documented and included in CCSO's
7 ongoing false criminal investigation / fabricated criminal case against Plaintiff CCSO filed in the Sierra
8 Vista Justice of Peace Court, and forwarded to the CAO for purposes of having CCSO's false felony
9 case filed in Superior Court.

10 223) Tasch did in fact omit Nuti's two fabricated statements from CCSO's false criminal investigation
11 / fabricated criminal case against Plaintiff; for, he knowingly did not write a river report that revealed
12 his knowledge of Nuti's two fabricated statements, as a result of Tasch omitting exculpatory evidence
13 from CCSO's false criminal investigation / fabricated criminal case, CCSO / Tasch falsely pursued the
14 Plaintiff for two and a half days, falsely arrested Plaintiff, and CCSO filed their fabricated case in the
15 Justice of the Peace Court in Sierra Vista, Arizona, initiated adversarial judicial criminal proceedings
16 against the Plaintiff, and, based solely upon Nuti's fabricated evidence, secured a criminal complaint
17 in Justice Court against Plaintiff, and forwarded that false case to the CAO for the purposes of having
18 felony charges filed in the Superior Court against Plaintiff, with the end result, the Plaintiff being falsely
19 sent to prison based in part on Nuti's fabricated evidence, (Ex. D-11) and then, a year later, Lieutenant
20 Sean Gijanto's Fabricated July 2, 2013 report. (Ex. D-14)

21 224) About one year, three months later, Tasch, consistent with his previous actions in CCSO's false
22 criminal investigation / fabricated criminal case against the Plaintiff colluded / conspired with CCSO
23 Commander Hauser, Lieutenant Gijanto, Master Deputy Hadfield, records Supervisor Capas, Arizona
24 police certified, but ex-deputy James Nuti, Jr. to omit Nuti's July 7, 2012 morning dispatcher recorded
25 radio transmissions from their false October 14, 2013 CCSO dispatcher's radio log; on their original,
26 Nuti was recorded as haven spoken words were similar to these:

27 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

28 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

225) to keep Plaintiff from having the true and complete tangible evidence to use against him/them in now withdrawn civil action; for, Tasch knew or should have known if it became known through the evidence Nuti said the preceding, he could not have argued for probable cause to obtain qualified immunity.

1 - Deputy Tasch Propensity For Omitting Exculpatory Evidence
Falsifying Documents - September 11, 2013

226) September 11, 2013, one month, three days before colluding/conspiring with Hauser, Gijanto, Hadfield, Capas, and Nuti to omit Nuti's July 7, 2012 dispatcher recorded radio transmissions from their false October 14, 2013 CCSO dispatcher's radio log, Tasch omitted exculpatory evidence that was favorable to Roger Wilson in CCSO's false criminal case against him. Only a brief synopsis.

227) Roger Wilson, arrived at a trailer with Taylor Philips, the person Wilson considered a longtime friend, and he saw what he believed was evidence of a recent burglary on the living room floor inside the trailer. Wilson encouraged Philips not to be involved in illegal activities. Wilson was later attacked by Jonathan Miller, who punched Roger two or three times through the open driver's side window, as Wilson sat in his car trying to leave the residence, and then Wilson was forcefully hit three times in the head with a butt of a rifle by Taylor Philips, while Wilson was defending himself against Miller outside the trailer. Wilson, bleeding heavily from his head, escaped to the house next door, which was Wilson's aunt and uncle's house.

a - Tasch Colluded/Conspired With Deputy Wendy Adney - Jonathan Miller's False Statements

228) Tasch colluded/conspired with CCSO Deputy Wendy Adney to omit statements that their false witness, Jonathan Miller, gave as to what happened September 11, 2013 from his report. Some other evidence, not presented here, shows Tasch and Adney working together; Adney was case officer.

b - Tasch Omitted Jonathan Miller's False Statements From Report

229) Tasch omitted from his report Jonathan Miller said he was in the living room, "opened the door" to the trailer and Roger Wilson "was walking up...he [Wilson] had that gun in his hand," and there was "no confrontation between [Miller] and Roger inside the house like in the living room?"

Tasch's September 12, 2013 Report:

I approached the residence and observed Jonathan Miller sitting on the ground south of the porch of the residence, sitting with his back against the residence...I then spoke with Miller and he advised he did not remember parts of the altercation. Miller did advise he remembered Wilson holding a rifle,

1 which he described as a black and dark brown .22 caliber rifle. Miller advised he tried to grab hold of
2 the rifle. Miller advised he and Wilson wrestled and at one point, Wilson began to choke him. Miller
3 advised someone hit Wilson in the head with Wilson's gun. (Ex. D-15, p. 2, 4)

4 CCSO Deputy Nathanael Tasch ("DT") - Audio Recorded Interview of Jonathan Miller ("JM")

5 CCSO DR # 13-13461

6 DT: Sure, ok, so you're in the living room with Glen, Roger comes over, he's got a gun...JM: When I
7 opened the door and he was walking up...DT: Who was? JM: Roger... he had that gun in his
8 hand...DT: so did any confrontation between you and Roger happen inside the house like in the
9 living room? JM: No. (CCSO DR # 13-13461 Recording: 728 0015-3.wav)

10 230) Jonathan Miller told CCSO Deputy Wendy Adney he was in the living room, Wilson came in,
11 there was a confrontation in the living room, Miller went outside; Wilson exited the trailer and went to
12 his car and grabbed a gun.

13 CCSO Deputy Wendy Adney's September 12, 2013 Report

14 After speaking with Desiree, I went over to where Jonathan Miller was seated on the ground by the
15 front porch and spoke with him. According to Jonathan, he was at Lisa's residence when Lisa and
16 Desiree arrived together. Afterwards, a male subject, friend of Lisa's walked into the house. The
17 male subject was identified as Roger Wilson. Jonathan said he introduced himself to Roger, but
18 Roger did not really say anything to him. The next thing Jonathan recalled was, Roger calling Lisa a
19 "bitch." Jonathan told Roger not to disrespect Lisa in her own house, and Roger called him a
20 "punk"...and he [Miller] went outside and Roger went outside to his car and got the gun [rifle]... (Ex.
21 D-16, p. 3-4)

22 CCSO Deputy Wendy Adney-("DA") - Audio Interview of Jonathan Miller ("JM")

23 CCSO DR # 13-13461

24 JM: the truck pulled up, she's in the truck and the dude's [Roger Wilson's] in the car and [Wilson]
25 comes inside...And they come in I introduce myself to the guy...DA: So he comes in; so the dude
26 [Roger Wilson] that got beat up comes in? JM: Mhum; and then the dude [Wilson] called her or told
27 her let's go to the ditch or something and I told him "Hey don't be disrespecting her in her own
28 house." DA: Mhum. JM: And that's when he called me a punk, and I called him outside man and well
Lisa was between us and she took me out; like took me out the door. And I was out there calming
down, and then the dude [Roger Wilson]...was walking to his car...and he grabbed the gun... (CCSO
DR # 13-13461 Recording: 97220432-1.wav)

231) Jonathan Miller's two preceding descriptions of a single occurrence so contradicted each other
neither could be believed.

c - Background To Tasch Writing False Information In His September 12, 2013 Report

232) A brief background to Tasch writing false information in his September 12, 2013 report; Tasch
revealed twice he, Watkins, and Reibschied, before and after arriving at Address # 2: 4933 S. Santa

1 Aurelia Ave., viewed Roger Wilson as the "Bad Guy:" or Criminal Suspect, in his September 11, 2013
2 interview of Lisa Johnson at address #1: 4961 S. Santa Aurelia Ave."

3 CCSO Deputy Nathanael Tasch - ("DT") - Interview of Lisa Johnson

4 CCSO DR # 13-13461

5 DT: "Ok, just so we're clear...We got a call from his [Wilson's] aunt and uncle, and so we're thinking
6 that the bad guy's [Wilson is] over there [Address #2: 4933 S. Santa Aurelia Ave.], so we're gonna
'Go Deal With Him' [Wilson] first..." and,

7 DT: "I'm just letting you know what happened, we weren't blowing you off...We thought the 'bad guy'
8 [Wilson] was over there [Address #2: 4933 S. Santa Aurelia Ave.], so we we're gonna 'Go Deal With
the Bad Guy' [Wilson]..." (CCSO DR # 13-13461 Recording: 728 0015-3.wav)

9 d - Tasch Fabricated Report - Watkins Holding Gun On Subject - Wrong Address

10 233) Tasch knowingly fabricated sections of his report; he placed CCSO Deputy Robert Watkins at
11 address #1: 4961 Santa Aurelia Ave., which was adjacent to address #2: 4933 S. Santa Aurelia Ave.

12 234) Tasch fabricated his report by writing Watkins was at address # 1 pointing his gun at a subject;
13 not where Watkins actually was during the time he was pointing his gun at Roger Wilson, address #2,
14 where Wilson ended up after the incident at address # 1:

15 Tasch's September 12, 2013 Report

16 A short time after that, I observed Deputy B Reibschied and R Watkins appeared to have a subject at
17 gunpoint and giving a subject verbal commands (to let them see "his/her" hands, etc.). I contacted
18 CCSO Dispatch and advised them of this. Shortly thereafter, I heard Deputy R Watkins advise over
the radio he did not have a subject at gunpoint. (Ex. D-15, p. 2, par 3)

19 235) Tasch wrote false information in his report; he would not have heard a deputy say, "Let me see
20 his / her hands." The deputy would have said, "Let me see 'your' hands."

21 236) Tasch fabricated his report by directing the reader's mind to address # 1: 4961 S. Santa
22 Aurelia Ave.; away from address # 2: 4933 S. Santa Aurelia Ave.; none of the females involved in the
23 incident were present at address # 2; all females involved in the incident were at address # 1.

24 e - History Of Movements

25 237) The history of movements clearly reveals Watkins was at address #2, and not address #1,
26 when he was holding a gun on suspect:

27 CCSO Deputy Nathanael Tasch

28 238) On September 11, 2013 at 8:21:09 p.m., Tasch arrived at Address #2: 4933 S. Santa Aurelia

1 Ave. to deal with the bad guy, Roger Wilson:

2 CCSO Dispatcher's Radio Log

3 [Jamie] Ritchie - 20:21:09 - 09/11/2013 - C-149 (Tasch) - arrived call=1051 (Ex. D-17, p. 5, ln. 7)

4 CCSO Deputy Robert Watkins

5 239) September 11, 2013 at 8:21:09 p.m., Watkins arrived at Address #2: 4933 S. Santa Aurelia
6 Ave to deal with the bad guy, Roger Wilson:

7 CCSO Dispatcher's Radio Log

8 [Jamie] Ritchie - 20:21:09 - 09/11/2013 - C-147 (Watkins) - arrived [call=1051] (Ex. D-17, p. 5, ln. 7)

9 CCSO Deputy Robert Watkins

10 240) September 11, 2013, after 8:21 p.m., Watkins was holding Roger Wilson at gunpoint while
11 questioning him, during their violently coercive and abusive custodial interrogation / investigation:

12 CCSO Deputy Robert Watkins' September 12, 2013 Report

13 I asked Roger to tell me what had happened. (Ex. D-18, p. 1, par 2)

14 f - Tasch Saw Watkins Pointing Gun At Subject (Roger Wilson)

15 CCSO Deputy Nathanael Tasch

16 241) September 11, 2013 at 8:23:54 p.m., Tasch advised CCSO dispatcher that he saw Watkins
17 was pointing a gun at Subject: (Roger Wilson).

18 CCSO Dispatcher's Radio Log

19 [Jamie] Ritchie - 20:23:54 - 09/11/2013 - C-149 (Tasch) Note: One subject at gunpoint... (Ex. D-17,
20 p. 4, line 26)

21 CCSO Deputy Robert Watkins

22 242) September 11, 2013, at 8:24:11 p.m., seventeen seconds after Tasch's radio transmission to
23 the CCSO dispatcher: "One subject at gunpoint," Watkins, while at address #2: 4933 S. Santa Aurelia
24 Ave., fabricated his radio transmission; he Falsely Advised CCSO dispatcher, "No subject at gunpoint."

25 CCSO Dispatcher's Radio Log

26 [Jamie] Ritchie - 20:24:11 - 09/11/2013 - C-147 (Watkins) No subject at gunpoint... (Ex. D-17, p. 4,
27 line 26)

28 g - CCSO Deputy Jeremy Peuschold Arrived - Address #2: - Exposed Watkins' Radio Fabrication

CCSO Deputy Jeremy Peuschold

1 243) On September 11, 2013, at 8:25:35 p.m., one minute, twenty-four seconds after Watkins, while
 2 at address #2: 4933 S. Santa Aurelia Ave., used the CCSO radio to fabricate information; falsely
 3 advised dispatchers, "No subject at gunpoint" Peuschold arrived at address #2: 4933 S. Santa Aurelia
 4 Ave. and saw Watkins holding a gun pointed at Subject: Roger Wilson:

5 CCSO Dispatcher's Radio Log

6 [Jamie] Ritchie - 20:25:35 - 09/11/2013 - C-137 (Peuschold) ARRVD call -1051 (Ex. D-17, p. 4, lines
 7 21-22)

8 244) Peuschold wrote in his report; he arrived at address #2, at 8:25 p.m.; he saw Watkins pointing
 9 a gun at Subject: (Roger Wilson), as advised by Tasch via CCSO Radio:

10 Deputy Jeremy Peuschold's September 12, 2013 Report

11 On 9/11/13 at 2025 hours I arrived at the scene of [Address #2] 4933 Santa Aurelia to assist Deputy
 12 Watkins with a subject [Roger Wilson] he had at gunpoint, as advised by Deputy Tasch via CCSO
 radio; (Ex. D-19, p. 1, par. 1)

13 245) therefore, Tasch falsified his report regarding the location of Watkins holding a gun on Wilson
 14 to conceal Watkins pointing his gun at Wilson at address #2: 4933 S. Santa Aurelia Ave., placing
 15 Watkins next door at address #1: 4961 S. Santa Aurelia Ave.

16 246) Tasch used his report to set up the narrative Watkins left address #2: 4933 S. Santa Aurelia
 17 Ave., and went to address #1: 4961 S. Santa Aurelia Ave., and it was while Watkins was at address
 18 #1 that Tasch advised CCSO dispatcher Watkins was holding "subject at gunpoint;" Note the words:
 19 "A short time after that:"

20 CCSO Deputy Nathanael Tasch's September 12, 2013 Report

21 Deputies B Reibschied, R Watkins and I heard a subject(s) at [Address #1:] 4961 S Santa Aurelia
 22 Ave calling out to us and Deputy B Reibschied and R Watkins went to this residence to contact the
 subject(s) calling out to us. (Ex. D-15, p. 1, par 3)

23 A short time after that, I observed Deputy B Reibschied and R Watkins appeared to have a subject at
 24 gunpoint and giving a subject verbal commands (to let them see "his/her" hands etc.). I contacted
 25 CCSO Dispatch and advised them of this. Shortly thereafter, I heard Deputy R Watkins advise over
 the radio he did not have a subject at gunpoint; (Ex. D-25, p. 2, par. 3)

26 CCSO Dispatcher's Radio Log

27 [Jamie] Ritchie - 20:23:54 - 09/11/2013 - C-149 (Tasch) Note: One subject at gunpoint... (Ex. D-17,
 28 p. 4, ln. 26)

CCSO Dispatcher's Radio Log

[Jamie] Ritchie - 20:24:11 - 09/11/2013 - C-147 (Watkins) No subject at gunpoint... (Ex. D-17, p. 4, ln. 26)

CCSO Dispatcher's Radio Log

[Jamie] Ritchie - 20:25:35 - 09/11/2013 - C-137 (Peuschold) ARRVD call -1051 (Ex. D-17, p. 4, lines. 21-22)

Deputy Jeremy Peuschold's September 12, 2013 Report

On 9/11/13 at 2025 hours I arrived at the scene of [Address #2] 4933 Santa Aurelia to assist Deputy Watkins with a subject [Roger Wilson] he had at gunpoint, as advised by Deputy Tasch via CCSO radio; (Ex. D-19, p. 1, par. 1)

CCSO Deputy Robert Watkins

247) Watkins revealed the location Tasch referred to in his report, and it was at address #1: 4961 S. Santa Aurelia Ave.:

CCSO Deputy Robert Watkins September 12, 2013 Report

Deputy Reibschied and I arrived at [Address #2:] 4933 S. Santa Aurelia. As I walked into the driveway, I saw a man who was later identified as Roger Wilson sitting on the front porch. Roger was bleeding heavily from his head and face. I radioed the CCSO Dispatch Center and requested they dispatch medical personnel to assist Roger. I asked Roger to tell me what had happened. Roger told me a man assaulted him with a gun at [Address #1:] 4961 S. Santa Aurelia.

As I spoke with Roger, I heard the sound of a man yelling from [Address #1:] 4961 S. Santa Aurelia. I walked toward the chain link fence dividing the neighboring properties. I saw a man who was later identified as Jonathan Miller standing on the front porch of the double wide trailer located at [Address #1:] 4961 S. Santa Aurelia. The man was yelling, "He has a gun, over here." I saw the man pointing toward several cars parked within the fenced front yard of the [Address #1:] 4961 S. Santa Aurelia. I walked through the front gate and watched Jonathan as he continued to scream for help. As I approached Jonathan, Jonathan pointed at a gray four door sedan parked in the front yard and said, "He has a gun and is in the car." Jonathan repeated that a man with a gun existed within the four door sedan. Deputy Reibschied and I approached the sedan. I did not locate anyone within the sedan. (Ex D-18, p. 1, par. 2-4)

CCSO Deputy Nathanael Tasch

248) The only subject at address #2: 4933 S. Santa Aurelia Ave. was Roger Wilson; therefore, Watkins couldn't have been heard by Tasch as saying words to this effect: "to let them see 'his/her' hands etc.," at address #2: 4933 S. Aurelia Ave; for, there was no her; Wilson was the only one at address #2. The rest involved in the incident were next door at address #1.

249) When Tasch falsely wrote he heard Watkins say, "to let them see 'his/her' hands etc.," it was when Watkins approached the gray four door sedan parked in the front yard of address #1: 4961 S.

1 Santa Aurelia Ave., when Watkins and Reibschied responded to Jonathan Miller's "screams for help."
 2 250) Tasch no doubt falsified his report, Watkins was not at address # 1: 4961 S. Santa Aurelia
 3 Ave.; when he used CCSO's radio at 20:23 hours to advise CCSO dispatcher he saw Watkins holding
 4 "One subject at gunpoint;" because one minute, forty-one seconds later, Peuschold saw Watkins still
 5 holding Roger Wilson at gunpoint at address #2: 4933 S. Santa Aurelia Ave., as Peuschold wrote in
 6 his report "On 9/11/13 at 2025 hours I arrived at the scene of 4933 [S.] Santa Aurelia [Ave.] to assist
 7 Deputy Watkins with a subject [Roger Wilson] "he had at gunpoint," as advised by Deputy Tasch via
 8 CCSO radio:"

9 CCSO Dispatcher's Radio Log

10 [Jamie] Ritchie - 20:23:54 - 09/11/2013 - C-149 (Tasch) Note: One subject at gunpoint: (Ex. D-17, p.
 11 4, ln. 26)

12 CCSO Dispatcher's Radio Log

13 [Jamie] Ritchie - 20:24:11 - 09/11/2013 - C-147 (Watkins) No subject at gunpoint... (Ex. D-17, p. 4,
 14 ln. 26)

15 CCSO Dispatcher's Radio Log

16 [Jamie] Ritchie - 20:25:35-09/11/2013 - C-137 (Peuschold) ARRVD call -1051 (Ex. D-17, p. 4, lines.
 17 21-22)

18 h - CCSO Deputy Wendy Adney Colluded/Conspired With Tasch

19 251) CCSO Deputy Adney colluded/conspired with Tasch to withhold from their reports Watkins was
 20 pointing his gun at Roger Wilson at address #2: 4933 S. Santa Aurelia Ave., she placed all deputies at
 21 address #1: 4961 S. Santa Aurelia Ave., except Tasch:

22 CCSO Deputy Wendy Adney's September 12, 2013 Report

23 Upon arrival, I noticed several deputies on scene at [address #1] 4961 Santa Aurelia, and Deputy
 24 Tasch on scene alone at [Address #2] 4933 Santa Aurelia with the injured subject (Roger Wilson).
 25 (Ex. D-16, p. 2, par. 5)

26 252) CCSO dispatcher's September 11, 2013 radio log placed Deputy Adney arriving at address #2:
 27 4933 S. Santa Aurelia Ave. at 8:24:18 p.m.:

28 CCSO Dispatcher's Radio Log

[Tiffany] Siria 20:24:18 - 09/11/2013 - C-136 (Adney) ARRVD call=1051 (Ex. D-17, p. 4, ln. 24)

CCSO Deputy Jeremy Peuschold

253) The CCSO dispatcher's September 11, 2013 radio log placed Deputy Peuschold as arriving at

1 address #2: 4933 S. Santa Aurelia Ave. at 8:25:35 p.m.; one minute, seventeen seconds after Adney,
 2 and he reported he saw Watkins at address #2: 4933 S. Santa Aurelia Ave. pointing a gun at Subject:
 3 (Roger Wilson):

4 CCSO Dispatcher's Radio Log

5 [Tiffany] Siria 20:24:18 - 09/11/2013 - C-136 (Adney) ARRVD call=1051 (Ex. D-17, p. 4, line 24)

6 CCSO Dispatcher's Radio Log

7 [Jamie] Ritchie - 20:25:35 - 09/11/2013 - C-137 (Peuschold) ARRVD call=1051 (Ex. D-17, p. 4, lines.
 8 21-22)

9 CCSO Deputy Jeremy Peuschold's September 12, 2013 Report

10 On 9/11/13 at 2025 hours I arrived at the scene of 4933 Santa Aurelia to assist Deputy Watkins with
 11 a subject [Roger Wilson] "he had at gunpoint," as advised by Deputy Tasch via CCSO radio. (Ex. D-
 12 19, p. 1, par. 1)

13 i - Dispatcher's Radio Log - Roger Wilson - Original Printout From CCSO Computer

14 254) CCSO's dispatcher's radio log for the Roger Wilson case is a tad-bit more complete than those
 15 that the individuals at CCSO falsely manually manufactured in CCSO's false criminal investigation /
 16 fabricated criminal case against Plaintiff November 5 & 28, 2012, (pgs. 46-52 above), and the falsely
 17 manually manufactured October 14, 2013 CCSO dispatcher's radio log in now withdrawn civil action
 18 (pgs. 42-45 above).

19 255) Also, the following CCSO dispatcher's radio log appears to be a true print out of what existed
 20 in CCSO's Computer Aided Dispatch (C.A.D.) system, at the date and time of its creation; times &
 21 dates range from the last entry into the log at the top to the first entry in the log at the bottom.

22 256) In other words, in the following partial of the exhibit, on page 4, at the top, the time is recorded
 23 as being 21:07:19, or 9:07 p.m., and on page 5, at the bottom, the time is recorded as being 20:06:21,
 24 or 8:06 p.m. (Ex. D-17)

25 257) The three false CCSO dispatcher's radio logs above, were manually manufactured; the times
 26 on the first two: November 5, 2012 (pages 47-49) and November 28, 2012 (page 49-51) are inverted;
 27 the first time entry is at the top; the last time entry is at the bottom; November 5, 2012: Top: 09:32:51,
 28 Bottom: 10:15:01, November 28, 2012: Top: 09:46:46, Bottom: 10:56:42; the times should be bottom
 to top; individuals at CCSO manually manufactured the two November 2012 false CCSO dispatcher's
 radio logs; seen in their inverting of the dispatcher's time entries.

258) j - CCSO Dispatcher's Radio Logs - Roger Wilson Case - September 11, 2013, p. 4 of 8

10/23/14
15:58

Cochise County Sheriff
Main Radio Log Table

550
Page: 4

RADIO LOG LIST:

Who logged the	Time & Date of entr	Unit n	Ten c
DBrower	21:07:19 09/11/2013	C-7D13	ENRT 48
TSiria	21:07:17 09/11/2013	C-7D33	ENRT incid#=13-13463 Enroute to a
DBrower	21:07:14 09/11/2013	C-7D33	8
DBrower	21:07:14 09/11/2013	C-7D41	8
JVilla	21:06:28 09/11/2013	C-235	OFFDT (MDC) 48
RMeza	21:04:30 09/11/2013	C-231	8 (MDC)
DBrower	21:04:14 09/11/2013	C-131	ENRT following c-147, call=1051
JRitchie	21:03:54 09/11/2013	C-147	ENRT det 1 42 101 160405
DBrower	21:03:41 09/11/2013	C-7D43	ENRT behind ambulance
JRitchie	21:03:38 09/11/2013	C-7D43	ENRT portal fire behind ambulance
MBeck	21:03:11 09/11/2013	C-437	11 (MDC)
RCleveland	21:03:06 09/11/2013	C-633	INSRV (MDC)
RCleveland	21:01:30 09/11/2013	C-633	DLINQ MDC: name=MASON, COREY MICHA
RCleveland	21:01:29 09/11/2013	C-633	NMINQ MDC: name=MASON, COREY MICHA
JRitchie	20:58:30 09/11/2013	C-633	TS pl=asn7663 st=az lptyp=pc;
JRitchie	20:54:46 09/11/2013	C-538	ENRT incid#=13-13462 Enroute to a
DBunnell	20:50:48 09/11/2013	C-638	8 (MDC)
AKartchner	20:50:45 09/11/2013	C-641	BUSY (MDC) 105
DBunnell	20:49:42 09/11/2013	C-638	8 (MDC)
RCleveland	20:48:32 09/11/2013	C-633	8 (MDC)
DKeil	20:45:54 09/11/2013	C-511	OFFIC (MDC)
JVilla	20:42:24 09/11/2013	C-235	8 (MDC)
JVilla	20:42:19 09/11/2013	C-235	BUSY (MDC) DPS Mason Addition & 9
AKartchner	20:41:23 09/11/2013	C-641	8 (MDC)
JRitchie	20:41:20 09/11/2013	C-143	DLINQ last=phillips first=taylor m
JRitchie	20:39:23 09/11/2013	C-143	BUSY 42 taylor phillips subject h
RMeza	20:38:05 09/11/2013	C-231	8 (MDC)
JRitchie	20:37:30 09/11/2013	C-331	BUSY bakered w c-333

(Ex. D-17, p. 4)

k - Partial CCSO Dispatcher's Radio Logs-Roger Wilson Case - September 11, 2013, p. 5 of 8

10/23/14
15:58

Cochise County Sheriff
Main Radio Log Table

550
Page: 5

RADIO LOG LIST:

Who logged the	Time & Date of entr	Unit n	Ten c
JRitchie	20:21:20 09/11/2013	C-143	ARRVD
JRitchie	20:21:09 09/11/2013	C-147	ARRVD
JRitchie	20:21:09 09/11/2013	C-149	ARRVD call=1051
DBrower	20:20:35 09/11/2013	C-1	OFFDT
JHoke	20:19:57 09/11/2013	C-433	8 (MDC)
DBrower	20:19:55 09/11/2013	C-1	VHINQ pl=art9809
JRitchie	20:19:09 09/11/2013	C-149	ENRT incid#=13-13461 Enroute to a
JRitchie	20:18:35 09/11/2013	C-136	ENRT incid#=13-13461 Enroute to a
JRitchie	20:18:19 09/11/2013	C-136	ENRT
REstavillo	20:18:16 09/11/2013	C-538	INSRV (MDC)

1	JHoke	20:18:10	09/11/2013	C-433	8	(MDC)
	DKeil	20:10:10	09/11/2013	C-511	DLINQ	MDC: name=MORENO, PHILLIP FI
2	DKeil	20:10:09	09/11/2013	C-511	NMINQ	MDC: name=MORENO, PHILLIP FI
	BReibschied	20:08:52	09/11/2013	C-143	8	(MDC)
3	DKeil	20:08:39	09/11/2013	C-511	DLINQ	MDC: name=MORENO, P*
	DKeil	20:08:38	09/11/2013	C-511	NMINQ	MDC: name=MORENO, P*
4	JRitchie	20:06:21	09/11/2013	C-143	8	
	JRitchie	20:06:21	09/11/2013	C-147	8	
	JRitchie	20:06:21	09/11/2013	C-149	8	

(Ex. D-17, p. 5)

l - Motive For Concealing Watkins Pointed Gun At Roger Wilson
Abusive Interrogation / Investigation Absent Miranda Warnings

m - Roger Wilson Bleeding Profusely

259) Three CCSO deputies, Tasch, Watkins, Reibschied wrote in their reports, when they arrived at address #2: 4933 Santa Aurelia Ave., they saw Roger Wilson bleeding profusely from head injuries:

CCSO Deputy Nathanael Tasch - September 12, 2013 Report

Wilson was sitting on a chair north of the porch of the residence and appeared to be bleeding profusely from his head. (Ex. D-15, p. 1, par. 3)

CCSO Deputy Robert Watkins - September 12, 2013 Report

...I saw a man who was later identified as Roger Wilson sitting on the front porch...Roger was bleeding heavily from his head and face. (Ex. D-18, p. 1, par. 2)

CCSO Deputy Brando Reibschied - September 12, 2013 Report

On 9-11-13...at 4933 S. Santa Aurela [sic]...there was a subject later identified as Roger Wilson ...who was bleeding from his head. (Ex. D-20, p. 1, par. 3)

n - Wilson's Bond Hearing - Tasch Only Interested In Questing Roger Wilson

260) At Roger Wilson's January 30, 2014 bond hearing; Tasch did not render any medical assistance to Roger Wilson; Tasch's only interest was questioning Wilson:

Roger Wilson's January 30, 2014 Bond Hearing

CCSO Deputy Nathanael Tasch's Testimony

Roger Wilson's Attorney Joel Larson (Larson)

Larson: So, Deputy, when you arrived on scene, you described Roger who is bleeding profusely is that right?

Tasch: Yes, sir.

Larson: ...when you say that he was bleeding profusely, what does profusely mean to you?

Tasch: It means there was a lot of blood, and it appeared to be fresh...

Larson: Okay. Did you render any medical assistance to Mr. Wilson at that point?

Tasch: No. I was trying "to speak to him" [Wilson] "to find out" what occurred... (Ex. D-21, pgs. 2-3, lines. 27, 1-1-12)

1 Larson: When Mr. Wilson mentioned that he was seeing stars...

2 Tasch: Yes, sir, at one point during the conversation.

3 Larson: At one point you developed some concern that he was going to lose consciousness?

4 Tasch: Yes, sir, based on him saying that he was seeing stars, and he didn't know how much longer
he had left. (Ex. D-21, p. 3, lines. 20-28)

5 o - Roger Wilson Viewed As Uncooperative - Did Not Want To Answer Questions

6 261) CCSO Deputy Wendy Adney testified that Roger Wilson did not want to talk to deputies, and
7 he was viewed as being uncooperative:

8 Roger Wilson's January 30, 2014 Bond Hearing

9 CCSO Deputy Wendy Adney (Adney)

10 Roger Wilson's Attorney Joel Larson (Larson)

11 Larson: When you first arrived, how was he being uncooperative?

12 Adney: He didn't really want to answer questions. (Ex. D-21, p. 4, lines. 12-14)

13 p - CCSO Deputy Nathanael Tasch Shoved Roger Wilson's Injured Body Against Wall

14 262) September 11, 2013, Tasch shoved Roger Wilson; resulting in the slamming of Wilson's
15 injured head up against the wall of Wilson's aunt and uncle's home, during, as part of, their "ongoing"
16 Fourth Amendment seizure of "the bad guy," Wilson (pgs. 81-82 above); for purposes of conducting
17 their violent, coercive, and abusive custodial interrogation/investigation absent Miranda warnings; not
mentioned in any report, nor was a waver card signed by Wilson.

18 263) Deputy Tasch inflicted pain upon Roger Wilson to force compliance to his demands that
19 Wilson answer questions, using a level of abuse of power so brutal and offensive [] [they do] not
20 comport with traditional ideas of fair play and decency, [with] conduct so severe so disproportionate to
21 the [medical] need presented, and so inspired by malice or sadism rather than a merely careless or
22 unwise excess of zeal that it amounted to a brutal and inhumane abuse of official power. Jerry Hart;
23 Andre Dyer v. City of Little Rock 432 F.3d 801, 806 (2005).

24 q - Roger Wilson's Aunt: Sharon Washam's Statement - Roger Unjustifiably Shoved Against Wall

25 264) Sharon Washam, owner of address #2: 4933 S. Santa Aurelia Ave., where Roger Wilson fled
26 to for "safety" from those that attacked him at address #1, wrote concerning Tasch's actions:

27 "Still have [Roger Wilson's] blood on my concrete blocks, 'wall of my home,' and on my steps. No, he
28 was not drunk that night. No, he was not in any shape to be 'tossed up against my house' by an
officer: [Nathanael Tasch], and no, he wasn't given prompt attention for his wounds." (Ex. D-22, p. 2)

1 r - CCSO Deputy Tasch Reveals Propensity For Violence Toward Wilson and Lack of Caring
 2 s - Tasch's Statement to Deputies at 4961 Santa Aurelia Ave.

3 265) September 11, 2013 after 8:36 p.m., Tasch admitted he had Plaintiff's blood on his vest, and
 4 he revealed a lack of caring Roger Wilson was injured, when he referred to Wilson as "Dickhead" in
 5 his conversation with another deputy at 4961 Santa Aurelia Ave.

6 "...Yea, blood on it from 'Dickhead' [Roger Wilson] over there..." (728 0015-3.wav A-3)

7 t - Tasch Further Revealed a Propensity for Violence / Strong-Arm Tactics Toward Accused

8 266) On September 11, 2013 after 9:22 p.m., at the Sierra Vista Regional Health Center, Tasch
 9 again was questioning Roger Wilson, absent Miranda Warnings; he admitted he had to remove blood
 10 from his CCSO vest two to three times a week, in his recorded conversation with an unidentified
 11 woman about how to remove blood with hydrogen peroxide from his vest.

12 Tasch asked and said, "...What's that? Oh absolutely...'Twice, three times a week'. (Female voice).
 13 Nah, I usually just do straight hydrogen peroxide. Try and mix it with water, is that what you're
 14 saying...into cold water? Cool...No; no, first time I've gotten blood on this guy though, This guys' kind
 of new, this; this vest..." (728 0015-3 wav)

15 u - CCSO Deputy Nathanael Tasch - Pissed Off That Wilson Would Not Answer Questions

16 267) Tasch, under the guise of "safety," admitted he was "Pissed Off" at Roger Wilson at address
 17 #2: 4933 Santa Aurelia Ave., because Wilson, even though viewed by Tasch as the "bad guy," would
 18 not answer questions during their brutal and sadistic custodial interrogation / investigation, absent
 19 Miranda Warnings:

20 CCSO Deputy Nathanael Tasch - September 12, 2013 Report

21 I told Wilson when he did not provide me information that could help my fellow Deputies and increase
 22 their safety, that Pissed Me Off... (Ex. D-15, p. 2, par. 8)

23 268) Tasch, while Pissed Off; in a fit of rage, slammed severely injured Roger Wilson against the
 24 wall for not answering his questions.

25 269) Suffice it to say, evidence reveals Tasch has the propensity for lying in his reports through the
 26 omission of facts favorable to people merely accused of wrong doing; for literally lying in his reports, in
 27 addition to being a sadistic brute!

28 v - CCSO Lieutenant Curtis Wilkins ("Wilkins")

1 270) Janice Wilson, Roger Wilson's Mother, 35-plus year Registered Nurse in Cochise County; also
2 worked in trauma, showed up at address #2: 4933 S. Santa Aurelia Ave; her brother's house.

3 271) Wilkins deprived Roger Wilson of his right to first aid / medical assistance, while seeing Roger
4 was bleeding profusely and, after he heard Roger tell his Mother, Jan Wilson, who Roger knew was a
5 registered a nurse with many years' experience, "I'm hurt real bad. I Need Help," by threatening Jan
6 Wilson multiple times with arrest, if she didn't stay away from Roger and leave the area of address #2
7 4933 S. Santa Aurelia Ave., where Wilkins and the other CCSO deputies were engaged in a violently
8 coercive and abusive custodial interrogation / investigation absent Miranda warnings.

9 272) Wilkins, through use of many threats of arresting Jan Wilson, deprived Roger of his requested
10 right of association with Jan Wilson, for the purposes of her administering emergency first aid/medical
11 attention, in what she believed, based on her 35-plus years of training and experience in the medical
12 field, to be a serious medical situation, what Roger perceived as being "hurt real bad" and in "Need
13 [of] Help."

14 273) Wilkins witnessed the following conversations between Jan Wilson and Roger Wilson:

15 274) Jan Wilson asked Roger, "Are you okay?"

16 275) Roger responded, "No Mom, I'm not. I'm hurt real bad. 'I Need Help'."

17 276) Roger said, "I love you Mom; tell Dad I love him, I'm not gonna make it."

18 277) Jan Wilson told Wilkins she was a registered nurse, which he already knew, and she wanted to
19 check and see if Roger was bleeding from the ears, explaining it could indicate a skull fracture.

20 278) Jan Wilson explained to Wilkins, with the mechanism of injury of a head trauma, a skull fracture
21 was a good possibility and "cervical spine" (c-spine) precautions were necessary so that the patient
22 would not be unnecessarily paralyzed.

23 279) Wilkins then told Jan Wilson that if she went near Roger or talked to him, he would "place her
24 under arrest" for "interfering with an investigation."

25 280) Jan Wilson asked Wilkins if he had called EMS (ambulance) yet.

26 281) Wilkins replied, "No I haven't, and 'I'll decide' when it will happen."

27 282) Jan Wilson later noted, when the ambulance did finally arrive; Roger was placed in "cervical
28 spine" (c-spine) precautions and transported.

1 283) There is no doubt it was a brutal and sadistic custodial interrogation / investigation, absent any
2 Miranda Warnings, and basic medical attention was prevented by a ranking deputy, CCSO lieutenant
3 Curtis Wilkins.

4 284) Jan Wilson told Wilkins she wanted to go in the trailer with her brother and sister-in-law, Gary
5 and Sharon Washam.

6 285) Wilkins ordered Jan Wilson into the house Roger Wilson was sitting outside of.

7 286) When Jan Wilson knocked at the door, Wilkins said to Jan Wilson "Just go in."

8 287) Jan Wilson informed Wilkins, "she did not live there, and she had to knock."

9 288) Wilkins then threatened to arrest Jan Wilson for "not following his orders."

10 289) Jan Wilson's brother, Gary Washam, opened the door, and Jan Wilson entered their home.
11 w - CAO Prosecutor James Glanville ("Glanville")

12 290) Then, now ex-CAO prosecutor James Glanville in Wilson's case admitted listening to various
13 audio recordings given to CAO:

14 Glanville's Statement and Question to Tasch at January 30, 2014 Bond Hearing:

15 Cochise County Deputy Attorney James Glanville (Glanville)

16 CCSO Deputy Nathanael Tasch (Tasch)

17 Glanville: I have listened to various recordings that were given to us, is that your voice on there?

18 Tasch: Yes, sir. (Ex. D-23, p. 2, lines. 5-7)

19 291) Glanville knew or should have known from listening to the various recordings given to CAO; his
20 star witness, Johnathan Miller's two contradictory statements to Tasch and Adney describing the
21 same occurrence involving Wilson's alleged actions on the night of the incident at address #1: 4961 S.
22 Santa Aurelia Ave., so contradicted each other neither statement could be believed:

23 CCSO Deputy Nathanael Tasch ("DT") - Interview of Jonathan Miller - ("JM")

24 DT: Sure, ok, so you're in the living room with Glen, Roger comes over, he's got a gun...JM: When I
25 opened the door and he was walking up...DT: Who was? JM: Roger... he had that gun in his
26 hand...DT: so did any confrontation between you and Roger happen inside the house like in the
27 living room? JM: No. (CCSO DR # 13-13461 Recording: 728 0015-3.wav)

28 CCSO Deputy Wendy Adney ("DA") - Interview of Jonathan Miller - ("JM")

JM: the truck pulled up, she's in the truck and the dude's [Roger Wilson] in the car and [Roger
Wilson] comes inside...And they come in I introduce myself to the guy...DA: so he comes in; so the
dude [Roger Wilson] that got beat up comes in? JM: Mhum; and then the dude [Roger Wilson] called
her or told her let's go to the ditch or something and I told him, "Hey, don't be disrespecting her in her

own house." DA: Mhum. JM: And that's when he called me a punk and - I called him outside man and well Lisa was between us and she took me out like took me out the door. And I was out there calming down, and then the dude [Roger Wilson]...was walking to his car...and he grabbed the gun... (CCSO DR # 13-13461 Recording: 97220432-1.wav)

292) Glanville knew or should have known Jonathan Miller fabricated two statements; Glanville did not care, he subpoenaed Miller anyway to testify at Roger Wilson's January 30, 2014 Bond Hearing, when Miller did not show up, Glanville asked the Superior Court to issue an arrest warrant; the Court denied his motion.

Minute Entry For January 10, 2014 Bond Hearing

[Glanville] notified the Court that a subpoena had been issued for Jonathan Miller but that he had not appeared to testify. Mr. Glanville requested that a warrant be issued for Mr. Miller.

THE COURT FURTHER FINDS that it is not necessary to issue a warrant for Jonathan Miller. The request for a warrant is DENIED. (Ex. D-24, p. 1-2)

293) Glanville, in full possession of the knowledge his witness, Jonathan Miller, was a confirmed liar, did in fact knowingly continue the fabricated case against Roger Wilson, as did CAO, after James Glanville was forced to resign, during the false Wilson case, under other circumstances.

294) David M. Morgan: "Jerry Vierra the county spent an estimated \$250,000 prosecuting Wilson for 17-18 months in 2014-2016 including the 4-5 months at \$20,000/month for the stay at ASH [Arizona State Hospital]. He was found to be competent to stand trial; the county attorneys offered a plea that would release Wilson with no prison, no more jail time."

39 - Arizona Police Certified-Ex-Deputy James Nuti, Jr. - Knew He Fabricated Evidence

295) July 7, 2012, at about 9:43 a.m., then-deputy Nuti used CCSO's radio to begin fabricating radio transmissions concerning what he said were Plaintiff's actions that morning at the river area of S.R. 82, and he was recorded as having spoken words similar to these:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37, Ex.'s 17-18)

296) July 7, 2012, about 12:57 p.m., then-deputy Nuti finished writing his river report, in the report he fabricated statements concerning what he then claimed were Plaintiff's actions that same morning at the river area of S.R. 82, when he wrote the following words in his report:

1 Nuti's River Report – July 7, 2012 - 12:57 p.m.

2 I observed a male subject walking directly on the white fog line. I approached him within my patrol
3 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
4 the firearm toward the ground. (Ex. A-1, p. 7, # 36, 38, 40)

5 a - Deputy James Nuti, Jr. - July 7, 2012 - Withheld Fabricated Evidence From Report

6 297) July 7, 2012, 12:57 p.m., Nuti omitted from his river report the fabricated evidence he produced
7 during his radio transmissions from the river area of S.R. 82, when he was recorded as having said
8 words similar to these:

9 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

10 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
11 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
12 area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37, Ex.'s D-4, D-5)

13 298) July 7, 2012, at 12:57 p.m., Nuti only wrote in his river report his fabricated statements about
14 what he claimed were Plaintiff's actions, at the river area of S.R. 82, the morning of July 7, 2012:

15 Nuti's River Report - July 7, 2012 - 12:57 PM

16 I observed a male subject walking directly on the white fog line. I approached him within my patrol
17 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
18 the firearm toward the ground. (Ex. A-1, p. 7, # 36, 38, 40)

19 299) When Nuti omitted from his river report his fabricated river radio transmissions, he knowingly
20 omitted from CCSO's false criminal investigation/fabricated criminal case against Plaintiff exculpatory
21 evidence he fabricated using CCSO's radio concerning what he said were Plaintiff's actions at the
22 river area of S.R. 82; the morning of July 7, 2012; Nuti, while acting on behalf of, and under the
23 authority of CCSO: actual listed complainant in CCSO's false criminal investigation / fabricated
24 criminal case, did in fact initiate adversarial judicial criminal proceedings, prevailed in Sierra Vista
25 Justice of Peace Court to secure a criminal complaint, and forwarded that fabricated case to the CAO
26 for the purposes of having CCSO's false felony criminal case filed in Superior Court.

27 b - Arizona Police Certified - Ex-CCSO Deputy James Nuti, Jr. - October 14, 2013

28 300) About one year, three months later, Arizona police certified, but ex-CCSO deputy James Nuti,
Jr., cloaked with state authority; acting consistent with his previous actions in CCSO's false criminal
investigation; fabricated criminal case against Plaintiff, colluded/conspired with CCSO Hauser, Gijanto,
Hadfield, Tasch, and Capas to omit his July 7, 2012 dispatcher recorded radio transmissions from

1 their false October 14, 2013 CCSO dispatcher's radio log, where he was recorded as haven spoken
2 words similar to these:

3 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

4 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
5 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
6 area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37, Ex.'s D-4, D-5)

7 301) to keep Plaintiff from having true and complete tangible evidence to use against him/them in
8 now withdrawn civil action; Nuti knew or should have known if it became known through the evidence
9 he said the preceding, he could not argue for probable cause to obtain qualified immunity.

10 c - Nuti Provided To Plaintiff False

11 October 14, 2013 CCSO Dispatcher's Radio Log

12 August 22, 2012 Ten Minute Forty-One Second Radio Transmissions Recording

13 302) Nuti, by and through his attorney Jellison, provided to Plaintiff the copy of their false October
14 14, 2013 CCSO dispatcher's radio log, and the copy of their false August 22, 2012 ten minute forty-
15 one second copy of the one hour eight minute original July 7, 2012 radio transmissions, at the river
16 area of S.R. 82, (Ex.'s A-16; A-17, A-18, p. 2, #'s 2, 5; A-19, p. 1; B-1);

17 303) that was in Nuti's and Jellison's possession from what they received from Cochise County,
18 after it was printed October 14, 2013, and before their December 13, 2013 motion to dismiss was filed
19 in the District Court, during discovery in now withdrawn civil action:

20 ...all documentary responses from Defendant Nuti have included documents both in Mr. Nuti's
21 possession *and* in possession of Nuti's counsel. That necessarily includes the disclosure of
22 documents that were previously received by counsel from Cochise County. (Ex. A-14, p. 1, fn)

23 d - James Nuti, Jr. - Ninth Circuit Ruling - Cheap Generic Entertainment

24 304) August 21, 2016 Plaintiff posted on Facebook the Ruling from the Ninth Circuit, who found Nuti
25 was not entitled to qualified immunity in these three areas, 1) Excessive Force, 2) The Unlawful Arrest
26 Using Fabricated Evidence, and 3) Falsely Putting Plaintiff In Jail. Nuti responded to the allegations of
27 what he did to Plaintiff, by writing, "All it is for me is cheap generic entertainment." Four years, one
28 month, fourteen days after Nuti attacked Plaintiff at the river area of S.R. 82; the morning of July 7,
2012, and set into motion a series of attacks upon his person, too many to mention here, Nuti believes
everything Plaintiff was revealing about what he went through during a four year, one month, fourteen

1 day nightmare was just "cheap generic entertainment:"


2 James Nuti, Jr.'s August 21, 2016 Comment

3 James Aldo Nuti, Jr.'s August 21, 2016 Facebook Picture - Comments


4 https://www.facebook.com/groups/CCJCR/1126594870733752/?comment_id=1127231967336709&re

5 the Truth about Coch M Inbox - whetstone196 Yale Law Journal - Vin Tips INFO 1235 Newsletter Content Bergquist v. Co

6 Cochise County Courts, Crime, Jail, Justice & Politics

7  **Susan Paladenic** Guessing that all these people you unblocked don't
8 have much to say now ! 😊

9 Unlike · Reply · 2 · 1 hr

10  **James Nuti** They sure don't. I've asked the majority of them to stay out
11 of it. It's obvious this guy is desperate enough to seek out approval
12 from like minded people. All it is for me is cheap generic entertainment.


13 Unlike · Reply · 1 · 40 mins

14 e - James Nuti, Jr.'s August 21, 2016 Facebook Picture

15 https://www.facebook.com/james.nuti?fref=pb_other

16 the Truth about Coch M Inbox - whetstone196 Yale Law Journal - Vin Tips INFO 1235 Newsletter Content Bergquist v.

17  James Nuti Q Jerry Home 20

18  James Nuti Timeline Recent

19 DO YOU KNOW JAMES?

20 If you know James, send him a message.

21  Photos Nothing to
22 show

23  Friends

24 English (US) · Español · Português (Brasil) ·
25 Français (France) · Deutsch +

26 Privacy · Terms · Advertising · Ad Choices · Cookies
27 More ·
28 Facebook © 2016

James Nuti updated his profile picture
August 6 at 5:02pm



Share

(Ex.'s A-20, D-26)

1 40 - CCSO Records Supervisor Carol Capas - October 14, 2013 - False CCSO Radio Log

2 305) CCSO's records Supervisor Carol Capas, colluded/conspired with Commander Forest Hauser,
3 Lieutenant Sean Gijanto, Master Deputy Allison Hadfield, Deputy Nathanael Tasch, and an Arizona
4 police certified, but ex-deputy James Nuti, Jr. to knowingly omit Nuti's July 7, 2012 CCSO dispatcher
5 recorded radio transmissions from their false October 14, 2013 CCSO dispatcher's radio log; Nuti was
6 recorded as having spoken words similar to these:

7 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

8 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
9 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37, D-4, D-5)

10 306) to keep Plaintiff from having true and complete tangible evidence to use against her/them in
11 now withdrawn civil action; Capas knew or should have known that if it became known through the
12 evidence Nuti said the preceding, she couldn't argue for probable cause to obtain qualified immunity.

13 307) Capas, from at least August 2012 through February 2013, colluded/conspired with CCSO, i.e.,
14 then-sheriff Larry Dever, the decision maker who established the unwritten policy/procedure to keep
15 what Nuti said using CCSO's radio, at the river area of S.R. 82 the morning of July 7, 2012 out of
16 Plaintiff's possession, then acting sheriff Rodney Rothrock, and finally, then-still sheriff Mark Dannels,
17 who each continued Dever's policy/practice to keep what Nuti said using CCSO's radio were Plaintiff's
18 actions at the river area of S.R. 82, the morning of July 7, 2012, out of Plaintiff's possession, whether
19 it was a complete copy of the original river radio transmissions or the true complete dispatcher's radio
20 logs; all her actions were consistent with then-sheriff Dever's unwritten August 22, 2012 procedure /
21 policy to keep what Nuti said at the river area of S.R. 82, the morning of July 7, 2012 out of Plaintiff's
22 possession.

23 308) Capas acted under the direct authority of the three above named sheriffs; for, they were/are
24 her only authority to release information; therefore, she was not acting on her own, as an employee.
25 When corruption is at the sheriff's level, as in this case, the withholding of exculpatory evidence to
26 pursue a false investigation / false prosecution, neither employees nor deputies act on their own.

27 309) The corruption at the sheriff's level is supported by the fact a CCSO deputy or employee made
28 the ten minute forty-one second edited copy of the original one hour eight minute July 7, 2012 morning

radio transmissions, two succeeding sheriffs, a commander, lieutenant, master deputy, deputy, and so forth were involved in utilizing Dever's August 22, 2012 unwritten policy / procedure to keep out of the possession of Plaintiff what Nuti said at the river area of S.R. 82, the morning of July 7, 2012, i.e., their exculpatory evidence for the purposes of having Plaintiff falsely prosecuted and imprisoned.

a - Capas Revealed Propensity For Lying On Behalf Of CCSO / Deputies

310) Lieutenant Gijanto wrote his four page fabricated report in CCSO's false criminal investigation / fabricated criminal case; Plaintiff was made aware of its existence, Gijanto's four page false report was edited to two pages; omitted was Gijanto's two pages of words; high probability it was exculpatory / impeachment evidence.

311) June 20, 2013, 3:54 p.m., CCSO / sheriff Mark Dannels, chief deputy Thad Smith, commander Forest Hauser, records supervisor Carol Capas, county attorney Ed Rheinheimer all received Plaintiff's Arizona public records laws request for all the documents/supplemental reports/narratives, and "how many pages were available for review/purchase, and the cost to purchase said items:"

from: **Cochise County Old-Tymer** <whetstone1964@gmail.com>

to: "Doyle Johnstun" <DJohnstun@cochise.az.gov>,
"Ed Rheinheimer" <eRheinheimer@cochise.az.gov>,
Andrew Pacheco <andrew.pacheco@azag.gov>,
"Capas, Carol" <CCapas@cochise.az.gov>,
"editor.svdr" <editor.svdr@gmail.com>,
"Hauser, Forest" <FHauser@cochise.az.gov>,
"Vlahovich, Jim" <jvlahovich@cochise.az.gov>,
"Dannels, Mark" <mdannels@cochise.az.gov>,
"Smith, Thad" <TSmith@cochise.az.gov>,
"Bannon, Terry" <tbannon@cochise.az.gov>

date: Thu, Jun 20, 2013 at 3:54 PM

Cochise County Old-Tymer <whetstone1964@gmail.com>

6/20/13

to "Doyle, Ed, Andrew, Carol, editor.svdr, Forest, Jim, Mark, Thad, Terry

Mrs. Capas,

Pursuant to A.R.S. 39-121, A.R.S.13-2407 (the "Arizona Public Records Laws"), I hereby formally request that you, in your capacity as Records Custodian for the Sheriff's Office, make available to me all Documents / Supplemental Reports / Narratives, including Statements by witnesses related to CCSO Case # 12-10612, that were added to the above mentioned case during August 2012, after the case was returned to CCSO by the CAO, to the present date, June 20, 2013. These Documents / Supplement Reports / Narratives should all be time stamped and the Statements should all be referenced in the Supplemental Reports / Narrative. I need to know how many pages are available for review / purchase, and a cost to purchase said items.

I need a time when you make these available, but no longer than 5 business days.

(Ex. D-25, p. 1)

1 312) June 20, 2012, CCSO/sheriff through Capas responded:

2 Mr. Vierra,

3
4 I am in receipt of your request and will provide you with this information detail by tomorrow afternoon.

5 (Ex. D-25, p. 2)

6 313) On June 21, 2013, Capas replied and provided the number of pages available and the price,
7 just as Plaintiff requested, and she referred to a "third supplement," which was CCSO Lieutenant Sean
8 Gijanto's four page fabricated report; while revealing Lieutenant Gijanto's report needed the review /
9 approval by a supervisor; a higher rank than a lieutenant:

10 Mr. Vierra,

11 In reference to your request for information we have the following:

12
13 There are two additional supplemental reports dated 2-20-13 at 1203 hours ; the second dated 6-10-13 at 0924 hours. There is a total of 5 pages in
14 these two supplements at a cost of \$2.50

15 There is a third supplement dated 6-14-13 at 1039 hours which has not been reviewed or approved by a supervisor at this point.

16 (Ex. D-25, p. 3)

17 314) Capas quoted the number of pages and price for the documents; said they were available, and
18 the above 5 pages were provided to Plaintiff at a cost of \$2.50, or \$0.50 per page.

19 315) The third supplement mentioned above is Gijanto's four page fabricated report that, as will be
20 shown, was edited to two pages; the highly probable exculpatory/impeachment evidence was removed
21 before releasing their two page copy of Gijanto's fabricated report to Plaintiff.

22 316) Without a doubt, that is consistent with all the Defendants' actions; they are in possession of,
23 and control the production of, all documents and all recordings before they are released. It is a judicial
24 system nightmare for the accused, and has been for years, long before the false case against Plaintiff!

25 317) June 30, 2013, Capas emailed Plaintiff and she revealed Gijanto's four page fabricated report
26 was available and ready for delivery, at a cost of \$2:00, which is \$0.50 per page, and she asked how
27 he wanted to proceed or, as in past public records requests, what arrangements are going to be made
28 to obtain the document:

1 Mr. Vierra,

2 We now have the last supplement available as well. This will be at a cost of \$2.00, please advise how to proceed.
3 (Ex. D-25, p. 4)

4 318) June 30, 2013 Plaintiff sent a quote of Capas' email to David Morgan asking if he could pick up
5 the four page document CCSO had ready for their stated price of \$2.00:

6 **Cochise County Old-Tymer** <whetstone1964@gmail.com>
7 to editor.svdr

8 Can you pick this up tomorrow when you are at the CCSO.

9 Mr. Vierra,

10 We now have the last supplement available as well. This will be at a cost of \$2.00, please advise how to proceed.
(Ex. D-25, p. 5)

11 319) June 30, 2013, Plaintiff, after sending an email to David Morgan, replied to Capas, "I just sent
12 this to David Morgan...He could just pick it up when he is there:"

13 Thank you Mrs. Capas,

14 I just sent this to David Morgan. I think he is coming over there tomorrow on some other issues. I'll let you know as soon as he replies. He could just pick it up when he is
there.

15 (Ex. D-25, p. 6)

16 320) June 30, 2013, David Morgan replied to Plaintiff's email:

17 Yep, I'll get it.

18 (Ex. D-25, p. 7)

19 321) Plaintiff emailed Capas and let them know David Morgan said he would pick up the document:

20 Mrs. Capas David said he would pick that up for me. It will save time and trouble. Thanks for letting me know.

21 (Ex. D-25, p. 8)

22 322) July 1, 2013, Plaintiff learned David Morgan contacted Jonathan Shacat, and he agreed to go
23 to CCSO and pick up Gijanto's four page fabricated report; Plaintiff emailed Jonathan Shacat:

24 Good Morning Jonathon,

25 David Morgan said you were going to CCSO to pick up the public records that Mrs. Capas has ready for me. Deputy Nuti Case # 12-10612. Mrs. Capas said it was \$2.00
26 or 4 pages. So. I'll her know you'll be stopping by to pick that up.

27 (Ex. D-25, p. 9)

28 323) Plaintiff informed Capas Jonathan Shacat would pick up the pages in the Nuti case:

1 Good Morning Mrs. Capas,

2 There was a change of plans at the last minute, and David Morgan asked Jonathon Shacat to pick up the pages in the (Nuti) case. Thank you for letting me know they
3 were ready.

4 (Ex. D-25, p. 10)

5 324) July 1, 2013, Plaintiff learned from David Morgan Jonathan Shacat went to CCSO to pick up
6 the four page report, and was told the documents "are not ready."

7 Jonathon Shacat waited more than 30 minutes at about 1PM and was told that the documents "are not ready"

8 (Ex. D-25, p. 11)

9 325) July 1, 2013, Plaintiff contacted Jonathan Shacat about why he could not pick up the report:

10 David said you had a problem picking up that paperwork? Who did you talk to?

11 (Ex. D-25, p. 12)

12 326) Jonathan Shacat wrote what happened after he arrived at CCSO; Capas was in a meeting and
13 they could not locate the documents:

14 I don't know the name of the woman, but it was one of the women who works at the office there. She said she could not locate the
15 documents and told me to wait until Carol Capas was finished with a meeting. I waited for 30 minutes or so and then I had to leave to
16 do other things.

16 (Ex. D-25, p. 13)

17 327) July 2, 2013, Plaintiff contacted Capas concerning why the documents were not available for
18 Jonathan Shacat to pick up, and asked if she could leave them with someone:

19 Mrs. Capas,

20 Jonathon Shacat came by CCSO yesterday to pick up the documents on the Nuti case, and apparently you were in a meeting. Is there somewhere you can leave them in
21 case you're not available?

22 (Ex. D-25, p. 14)

23 328) July 2, 2012 Capas knew that Gijanto's four page fabricated report; she wrote was "available"
24 was edited down to the two pages, and she tried to cover up that fact by writing the "The 'actual print
25 out is 2 pages' at a cost of \$.0.50 per for a total of \$ 1.00:"

26 Mr. Vierra,

27
28 There was a mis-communication with your report which is now available in the Records Division for release. Thank you for your patience.

1 Mr. Vierra,

2 The actual print out is 2 pages at a cost of .50 per for a total of : \$ 1.00

3 (Ex. D-25, p. 15)

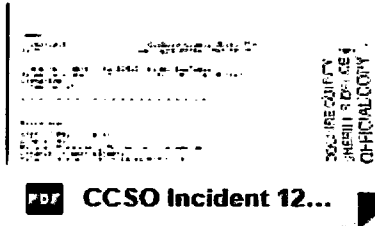
4 329) July 5, 2013 David Morgan picked up Gijanto's two page fabricated report; sent it to Plaintiff:

5 I have the two pages. Gijanto report, incident 12-10612 seq 12 dated 14 jun 2013

6 I'll get them scanned and sent to you later this evening, I think.

7 finally, here it is [attached]

8 ...



10 (Ex.'s D-25, p. 16, D-14)

11 330) Page two of Gijanto's fabricated report reveals the editing of his report from four pages to the
12 two pages was finished on July 2, 2013, at 9:41 a.m.:

13 Status: Pending Review by County Attorney

14 Reporting Officer: Tue Jul 02 09:41:01 MST 2013 Lt Sean Gijanto

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(Ex. D-14, p. 2)

331) About 2 hours 39 minutes later, Capas let Plaintiff know July 2, 2013, at 12:20 p.m., via email, Gijanto's two page fabricated report was "Available;" the same word Capas used June 30, 2013 (Ex. D-25, p. 4), when she wrote:

Mr. Vierra,

We now have the last supplement available as well. This will be at a cost of \$2.00, please advise how to proceed.

(Ex. D-25, p. 4)

Mr. Vierra from: Capas, Carol <CCapas@cochise.az.gov>
There was to: Cochise County Old-Tymer <whetstone1964@gmail.com>
Cc date: Tue, Jul 2, 2013 at 12:20 PM
subject: RE: Public Record Pick Up
From: mailed-by: cochise.az.gov

ion for release. Thank you for your patience.

1 Mr. Vierra,

2 There was a mis-communication with your report which is now available in the Records Division for release. Thank you for your patience.

3 Mr. Vierra,

4 The actual print out is 2 pages at a cost of .50 per for a total of : \$ 1.00

5 (Ex. D-25, p. 15)

6 332) In addition to Capas colluding/conspiring with CCSO / sheriff / deputies to conceal the fact that
7 Gijanto's fabricated report was originally four pages; edited down to two, Capas, about three months
8 later, colluded / conspired with Hauser, Gijanto, Hadfield, Tasch, and Nuti to omit Nuti's July 7, 2012
9 recorded radio transmissions from their October 14, 2013 false CCSO dispatcher's radio log, where
10 Nuti was recorded as having spoken words similar to these:

11 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

12 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
13 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
14 area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

15 333) to keep Plaintiff from having true and complete tangible evidence to use against her/them in
16 now withdrawn civil action; Capas knew or should have known that if it became known through the
17 evidence Nuti, using CCSO's radio, said the preceding, she could not argue probable cause to obtain
18 qualified immunity as a result.

19 41 - Lieutenant Sean Gijanto - October 14, 2013 - False CCSO Radio Log

20 334) Lt. Sean Gijanto colluded/conspired with CCSO Commander Hauser, Master Deputy Hadfield,
21 Deputy Tasch, records Supervisor Capas, and an Arizona police certified, but ex-deputy Nuti to omit
22 Nuti's July 7, 2012 morning recorded radio transmissions from the river area of S.R. 82, from their
23 false October 14, 2013 CCSO dispatcher's radio log (Ex. A-16), where Nuti was recording as having
24 spoken words similar to these:

25 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

26 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
27 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
28 area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

335) to keep Plaintiff from having the true and complete tangible evidence to use against him/them in now withdrawn civil action; Gijanto knew or should have known, if it became known through the evidence Nuti said the preceding, he could not argue probable cause to obtain qualified immunity.

a - Lieutenant Sean Gijanto - Propensity For Omission Of Facts Favorable To Accused

336) July 2, 2013, about three months before colluding/conspiring with CCSO Commander Hauser, Master Deputy Hadfield, Deputy Tasch, records Supervisor Capas, and Arizona police certified, but ex-deputy James Nuti, Jr. to omit Nuti's July 7, 2012 morning dispatcher recorded radio transmissions from their false October 14, 2013 CCSO dispatcher's radio log, Gijanto omitted from his report highly probable exculpatory/impeachment evidence that was favorable to Plaintiff in CCSO's false criminal investigation / fabricated criminal case against him, when he re-wrote his four page June 14, 2013 - July 2, 2013 fabricated report, and produced the two page version of the same. (Ex. D-14)

337) Gijanto revealed his propensity for omitting facts favorable to the accused, when he eliminated two pages of words from his fabricated July 2, 2013 report, in CCSO's false criminal investigation / fabricated criminal case against Plaintiff, and, revealed his intent to omit words in his report, when he forwarded the fabricated report to CAO for review for the purposes of having CCSO's false case filed in the Superior Court:

Status: Pending Review by County Attorney

Reporting Officer: Tue Jul 02 09:41:01 MST 2013 Lt Sean Gijanto
(Ex. D-14, p. 2)

338) Gijanto wrote his fabricated report under the authority of commander Forest Hauser:

Gijanto's July 2, 2013 Report

Narrative: on or about 3/01/13 I was asked by Cmdr. Forest Hauser to conduct an internal investigation regarding allegations made by Jerry Vierra against Dep. James Nuti, Jr. Jerry Vierra alleged Dep. Nuti falsified information, used excessive force... (Ex. D-14, p. 1)

339) Gijanto wrote fabricated statements in his report:

Gijanto's July 2, 2013 Report

Dep. Nuti pulled up next to him and told him to get out of the roadway. Vierra stated he did not reply immediately which prompted Dep. Nuti to say "are we clear." When Vierra still did not reply Dep. Nuti raised his voice and yelled at Vierra "are we clear." Jerry Vierra stated he then told Dep. Nuti "we're fucking clear" or something similar. (Ex. D-14, p. 1)

340) Gijanto, by omitting from his report the words Plaintiff said, "Nuti wrote in his report," before he quoted what Nuti wrote in his river report, "...we're fucking clear," used Nuti's fabricated words out of context with the conversation Plaintiff and him had during the interview at the F.B.I.'s office to lend credibility to Nuti's river report.

341) Plaintiff never said he spoke the words "We're fucking clear" to Nuti the morning of July 7, 2012. As a matter of fact, Plaintiff specifically said Nuti wrote that in his report, and then told Gijanto Nuti lied.

342) When Plaintiff said that was what Nuti wrote in his report, Gijanto knew Plaintiff was quoting Nuti's river report, when he wrote the above fabricated statements.

b - Gijanto - Power Ranger: "Makes His Own Rules"

343) Plaintiff was very careful using the words he spoke to Gijanto, he was forewarned by David Morgan in an email "To be most careful with/of" Gijanto, who was viewed by others at CCSO as a "Power Ranger, officers who play by their own rules."

editor.svdr <editor.svdr@gmail.com> Mar 20, 2013 / 7:57 PM

to me

from:	editor.svdr <editor.svdr@gmail.com>
to:	Cochise County Old-Tymer <whetstone1964@gmail.com>
date:	Wed, Mar 20, 2013 at 7:57 PM
subject:	Sean Gijanto
mailed-by:	gmail.com
signed-by:	gmail.com

Be most careful of/with this fellow.

I am told by current and former CCSO folks that he is part of the team called by others the "Power Rangers", officers who play by their own rules.

—

David M Morgan, Publisher short Bio here Cell/Text 520-236-4051

(Ex. D-29)

344) In this case, Gijanto omitted words to write false reports and omitted words, when he and other named Defendants manually produced their false CCSO October 14, 2013 dispatcher's radio log. (Ex. A-16)

345) The March 21, 2013 meeting with Gijanto was revealing. Gijanto was more interested in telling

1 Plaintiff what he thought he did at the river area of S.R. 82, and later that day, than he was in finding
2 out from Plaintiff what Nuti did. He also tried to lead Plaintiff into making false statements, and Plaintiff
3 wouldn't do it.

4 346) On March 20, 2013, Plaintiff was contacted via email by CCSO Lt. Sean Gijanto, who wrote he
5 wanted a meeting to discuss the allegations against Nuti:

6 "I am conducting an investigation into the allegations you made against Dep. James Nuti. I would
7 greatly appreciate some time to discuss this matter with you. Please let me know when you would like
8 to meet or we can make arrangements to speak by phone."

9 347) March 20, 2013, Plaintiff called F.B.I. Special Agent Gabriel Maxwell, and asked if we could
10 use the Sierra Vista, Arizona Bureau's interview room. Plaintiff was given permission to do so.

11 348) Plaintiff subsequently called Gijanto and let him know the room was available at 10:00 a.m. on
12 March 21, 2013, and we agreed to, and did meet, at that time.

13 c - Gijanto - Cover-Up / Murder of Cameron Alexander King

14 349) Plaintiff, for months, was investigating what he calls the Murder of Cameron Alexander King, a
15 barely 15 year-old child that was gunned down in cold-blood on October 6, 2012, by the Tombstone
16 Marshal's deputy James E. Norris Jr. Plaintiff spent 100's of hours analyzing crime scene and autopsy
17 photos, listening to and transcribing witness' interviews; reviewing autopsy and detective's reports.

18 350) Gijanto was involved in the investigation. He and the rest of the detectives were being closely
19 scrutinized at the time of the interview regarding Nuti, because Plaintiff had good reason to believe
20 they falsified information through omissions of facts in their reports to clear the Tombstone Marshal's
21 Office (TMO) deputy Norris.

22 351) TMO deputy Norris was reinstated to his position as a deputy 19 days after the shooting; all
23 reports stated he was still being investigated for 2nd degree murder, and he was reinstated before the
24 Cochise County attorney's office had received the case to review it.

25 352) The important part of Plaintiff's investigation involved planting of two live rounds in Cameron's
26 body bag, about eight hours after Cameron was murdered; during the inventory of Cameron's body
27 bag at the autopsy, it was the Pima County Medical Examiner's Office who found the two live rounds
28 in the body bag. Gijanto was in charge of the body bag; he loaded Cameron's body into the bag, and

1 he sealed the body bag.

2 d - Gijanto - Body Bag F.B.I.'s Office

3 353) After the March 21, 2013 meeting between Gijanto and Plaintiff at the F.B.I.'s office, Plaintiff
4 walked out of the bathroom, Gijanto was walking toward the door that led to the lobby. Plaintiff asked
5 him in the presence of Special Agent Gabriel Maxwell, "When you first saw the body bag on the
6 gurney, at the Cameron King crime scene, was it folded up or stretched out?" Gijanto became very
7 defensive, and he angrily barked, "I am not going to discuss this case with you." Plaintiff obviously
8 touched a sensitive nerve, like placing an ice cube on a bad tooth. After further questioning, Gijanto
9 revealed the case was closed and there was no lab report. The reason Plaintiff asked Gijanto about
10 the body bag was he was in charge of the body bag, and he knew who planted the two live rounds
11 therein and, when Plaintiff asked about the body bag, his explosive reaction indicated that fact.

12 354) Gijanto didn't know at the time Plaintiff had a picture of the two live large pistol rounds from the
13 M.E.'s office, and detective John Gjerde listed in the evidence log the two live large pistol rounds as
14 ".22 Caliber" rounds found in Cameron's pants pocket, those two large live rounds were not small .22
15 shells hiding in the corner of Cameron's pants pocket(s); you know, just missed during their search of
16 Cameron's pockets for identification, because of their small size.

17 355) Gijanto, indubitably, had strong motive to write his July 2, 2013 fabricated report in CCSO's
18 false criminal investigation / fabricated criminal case, which he forwarded to the CAO for review.

19 e - April 22, 2013, Plaintiff Openly Confronted Gijanto For Falsely Reinstating Norris

20 356) It was April 22, 2013, Plaintiff openly confronted Gijanto about his and Detective John Gjerde's
21 decision to advise Tombstone Marshal Billy Cloud to reinstate Tombstone Marshal's Deputy James E.
22 Norris, Jr. about nineteen days after the incident, where Norris savagely gunned down Cameron King
23 in cold-blood; about 3:51 a.m., on Saturday, October 6, 2012, and seventy-seven days before the
24 CAO received, reviewed and cleared Norris, under highly suspicious circumstances. Gijanto, by doing
25 his part to help CCSO and the CAO to obtain false convictions of Plaintiff would have utterly destroy
26 Plaintiff's credibility in the minds of the people of Cochise County, where Plaintiff exposes corruption,
27 like Gijanto and Gjerde advising Marshal Billy Cloud to reinstate TMO deputy Norris, who, at the time
28 of his reinstatement, was still being investigated for 2nd degree murder.

357) On April 13, 2013, 6:12 a.m., Plaintiff contacted Ryan Andrus, the attorney for Tombstone in the lawsuit filed by the King Family. Plaintiff asked him for the Public Records revealing how Deputy Norris was reinstated three weeks after the shooting. April 18, 2013, 2:01 p.m., Mr. Ryan responded, and the paperwork he provided revealed Marshal Billy Cloud wrote on October 25, 2012:

358) "Deputy Norris, Upon 'consultation' with the investigators (Detective John Gjerde and Detective Sergeant Sean Gijanto), in the officer-involved-shooting which occurred on October 6, 2012, and upon 'consultation' with the mental health professional assigned to consult with you in this matter, it has been determined you will return to Full-Time Active Duty with the Tombstone Marshal's Office."



Tombstone Marshal's Office

Marshal Billy A. Cloud
315 E Fremont St
PO Box 339
Tombstone, AZ 85638

Mayor Stephen Schmidt

Phone: (520) 457-2244
Fax: (520) 457-3124

October 25, 2012

Deputy James Norris

RE: Return to Full-Time Duty

Deputy Norris,

Upon consultation with the Investigators (Detective John Gjerde and Detective Sergeant Sean Gijanto) in the Officer-Involved-Shooting which occurred on October 6, 2012 and upon consultation with the mental health professional assigned to consult with you in this matter, it has been determined you will return to Full-Time Active Duty with the Tombstone Marshal's Office.


Marshal Billy Cloud

Cc:
Deputy Norris
Personnel File

(Ex. D-30, p. 2)

359) There was no mention in any of the detective's reports about this "consultation."
f - Written Questions To Lt. Sean Gijanto

360) Concerning the preceding reinstatement, April 21, 2013, 11:45 a.m., Plaintiff sent a series of written questions to Lt. Sean Gijanto in an email, along with copies forwarded to the Cochise County

1 Sheriff Mark Dannels; his Chief Deputy Thad Smith, Carol Capas, the lead Detective John Monroe,
 2 the Cochise County Attorney Ed Rheinheimer, Chief Prosecutor, Doyle Johnstun, Tombstone Marshal
 3 Billy Cloud, Cameron's Family, Friends, and others interested in the case that wanted to know why
 4 Deputy Norris was back to work. Gijanto never responded; neither did sheriff Mark Dannels.

5 Lt. Sean Gijanto:

6 I was gonna wait till tomorrow to send this, but I finished early. I just recently acquired documents
 7 through a public records request. What I found is very disturbing. I don't mind telling you it knocked
 8 the wind out of me. As I analyzed these documents, I reached a conclusion. I could be wrong. So if
 9 you wouldn't mind taking a look at the attached document and questions, maybe there is another
 10 explanation for what seems to be a factual conclusion in the Cameron King Case.

11 Thank you!

12 Jerry Viera

13 2 attachments — Download all attachments -

14 Lt Sean Gijanto.pdf 16K View Download

15 Cloud.Norris.10-25-2012.pdf 55K View Download (Ex. D-31)

16 Monday, April 22, 2013

17 Questions To Lt. Sean Gijanto:

18 I was wondering if you could help me to understand how Tombstone Marshal's Deputy James E.
 19 Norris Jr. was reinstated to his position as a deputy on October 25, 2012. You know the one I'm
 20 talking about, the deputy that shot and killed Cameron Alexander King, that barely 15 year-old Child!
 21 You'll find this under Cochise County Sheriff's Office Case # 12-16004.

22 I didn't find any mention of anyone considering reinstating Deputy Norris in Detective John Monroe's
 23 report, which he wrote on Wednesday, October 17, 2012, at 10:47 a.m. But, I don't have to tell you
 24 that, Sir, you already know, because you reviewed his report on Monday, November 6, 2012, at 9:52
 25 a.m.

26 Lt. Gijanto, I really don't understand this. On the same day, Thursday, October 25, 2012, that Norris
 27 was reinstated, you wrote a report at 11:52 a.m., according to the time at the bottom, and I noticed
 28 you wrote next to Nature, on page 1, 2nd Degree Murder. I also found in other reports, that the 2nd
 degree murder investigation was specifically referring to Deputy Norris. Am I to understand that
 Deputy Norris was still under investigation for the Murder of Cameron King on October 25, 2012? I
 read your whole report, and I didn't find any mention of Deputy Norris being reinstated on October
 25, 2012, which was the day you finished your report. Can you explain why that is not in your report,
 Sir?

This one I'm really having a difficult time with. On Friday, October 26, 2012, at 12:47 p.m., Detective
 Monroe wrote a report about obtaining information from Cameron King's cell phone and also
 interviewing Joseph and Michael, you know, the EMT's from the HCI Office in Benson, Arizona? Now
 in that report, which you reviewed on Monday, October 29, 2012, at 12:28 p.m., why is there no
 mention of Norris' reinstatement, which occurred just the day before Det. Monroe wrote the report,

1 you know, on Thursday, October 25, 2012, about 19 days after the incident? It appears that the
2 investigation into the October 6, 2012 incident was still continuing. Is that correct? See the problems
I'm having with this, Sir?

3 Now, according to the second of the two documents from the Tombstone Marshal's Office, it was you
4 and Detective John Gjerde that conveyed to Marshal Billy Cloud, which he wrote on Thursday,
5 October 25, 2012, it was okay to reinstate Deputy Norris to his position as a deputy in Tombstone.
6 Detective Gjerde finished his report on Thursday, Nov 1, 2012, at 10:20 a.m., which you reviewed on
7 Monday, November 5, 2012, at 10:50 a.m. Can you tell me why the reinstatement of Deputy Norris
8 was not noted in Detective Gjerde's report? It seems to me that someone would have made a
9 notation of the reasons for such an important decision, which affected and still affects the Family and
10 Friends of Cameron King, as well as the whole Tombstone Community. Am I right in thinking, Sir,
that someone should have written this down? If not, maybe you would be so kind as to provide me
with a reason that there is no documentation describing what was discussed during the consultation
that Marshal Cloud had with you and Detective Gjerde.

11 Lt. Gijanto, these next two are the most troubling. On November 20, 2012, at 3:24 p.m., about 45
12 days after the October 6, 2012 incident, and about 26 days after the reinstatement of Deputy Norris,
13 which occurred on October 25, 2012, the Cochise County Attorney's Office received the file on this
14 case, marked 12-16004, from Lt. Mark Genz. On Friday, January 11, 2013, the Cochise County
15 Deputy Attorney Gregory Johnson issued a document stating the Cochise County Attorney's Office is
16 declining prosecution and, based on his review of the "information submitted", he concluded that the
17 actions of Tombstone Marshal's Deputy James E. Norris Jr, during the shooting of Cameron
18 Alexander King, were justified.

19 Now, here is the problem. Had you and Detective John Gjerde already cleared Deputy Norris of any
20 wrong doing in order to enable him to be reinstated? Did you two convey to Tombstone Marshal Billy
21 Cloud that he could go ahead and reinstate Deputy Norris, even before the file on this case was
22 submitted to the Cochise County Attorney's Office for review, and while Deputy Norris was
23 technically still being investigated for the Murder of Cameron Alexander King, with the real analysis
24 of the evidence revealing, lies, deceit, and murder?

25 That leads me to ask, Sir. Did you already know the outcome of the investigation and the decision
26 the Deputy County Attorney Gregory Johnson was going to reach, about 77 days after you and Det.
27 Gjerde had already authorized the Tombstone Marshal Billy Cloud to reinstate Deputy Norris, during
28 your "Consultation" with Marshal Cloud?

How did you know that Sir? Did you have a crystal ball, where you could see into the future, or were
the reports staged and the actions of those involved in the investigation rigged to make sure that the
Murder Investigation / Case against TMO Deputy James E. Norris Jr. was dismissed? The reason
I'm asking is because I have not been able to locate any documentation that the physical evidence
collected at the scene was submitted to the D.P.S. Crime Lab. Also, I have not seen an analysis of
the interviews conducted and of the photographs taken at the crime scene, which I have personally
found lead to an entirely different conclusion than the one that was reached by the County Attorney's
Office in this case.

1 Just one more thing. Who gave you and Detective Gjerde the authority to clear Deputy Norris to be
 2 reinstated? Commander Marc Denny specifically designated Detective John Monroe as lead
 3 investigator in this case. Do you have independent knowledge as to whether or not he was
 4 personally involved in the decision making process around Thursday, October 25, 2012 to place,
 5 what appeared from every indication at that time, and even today, an unstable deputy back into the
 6 community in Tombstone, Arizona, even while he was still being investigated for the Murder of
 7 Cameron King? Wasn't that the Benson Police Department's role in this investigation? On what
 8 authority did you and Detective Gjerde rely upon to endanger the Family and Friends of Cameron
 9 King, as well as the Community of Tombstone, by enabling the return of a gun and badge to Deputy
 10 Norris? And finally, where is your report describing the details of how you and Detective Gjerde
 11 reached the decision to authorize Tombstone Marshal Billy Cloud to reinstate Deputy Norris to an
 12 active duty status?

13 I know you're busy, Sir, but in an important matter such as this, where lives could still be in danger,
 14 an immediate reply to these questions is appropriate. I'd say it should not take you any more than 10
 15 days, or by May 3, 2013, to write a detailed report clearly stating the reasons for your actions, which
 16 led Tombstone Marshal Billy Cloud to reinstate Deputy Norris, on or about Thursday, October 25,
 17 2012, and insert it into this case, just as you would any report: Cameron Alexander King / Tombstone
 18 Marshal's Office Deputy James E. Norris Jr.: CCSO 12-16004.

19 Thank you for your prompt attention in this important matter, Sir.

20 Have a Wonderful Day!

21 Jerry Vierra (Ex. D-32)

22 g - Gijanto - No Supplemental Report On Consultation

23 361) On May 8, 2013, 6:27 p.m. Plaintiff sent an email to CCSO / sheriff through records Supervisor
 24 Carol Capas: "Good evening Mrs. Capas, On April 21, 2013, I sent a series of question to Lt. Sean
 25 Gijanto concerning the conversation he and Sgt. John Gjerde had with Tombstone Marshal Billy Cloud
 26 about the reinstatement of Deputy Norris. At the end, I asked him to write a supplement explaining
 27 why he and Det. Gjerde said it was okay to put Deputy Norris back in the field on or about October 25,
 28 2012, 19 days following the shooting of Cameron King. Could you check for me please and see if Lt.
 Gijanto wrote a supplement and included it in the 12-16004 case?"

362) May 10, 2013, 8:08 a.m., CCSO/sheriff through records custodian Capas replied:

"Mr. Vierra, I have reviewed the case file in the Cameron King case to address your question and
 find there is not a document / supplement depicting the conversation or events you describe." (Ex. D-
 32)

363) The only conclusion that can be reached is that CCSO Sean Gijanto, John Gjerde, and John

1 Monroe rigged the investigation to clear Norris of Murder. They did it in secret, and without producing
2 an official record of reinstating Norris and the reasons why.

3 364) Their back room shady deal with Marshal Billy Cloud to reinstate TMO deputy Norris, during
4 the time they were supposed to be investigating him for 2nd Degree Murder, and before the Cochise
5 County attorney's office had even seen the case, smacks of a cover-up!

6 365) Lt. Sean Gijanto's involvement in CCSO's false criminal investigation / fabricated criminal case
7 against Plaintiff began July 7, 2012; he was reviewing reports, and apparently continued to be actively
8 involved to July 2, 2013, and after, so, he was directly involved in CCSO's false criminal investigation /
9 fabricated criminal case against Plaintiff:

10 Reporting officer Date / Time - R Wilson 0107 Thu Jul 19 14:45:44 MST 20 12

11 Reviewed by: Mon .Jul 23 10:06:26 MST 2012 Sgt. Sean Gijanto 0310 (Ex. D-34, p. 2)

12 366) Omitting words, or changing words in reports, documents, recordings, or in any other means of
13 communication is lying and the actions lead to false conclusions being drawn by the hearers/readers.

14 42 - Commander Forest Hauser - October 14, 2013 - False CCSO Radio Log

15 367) Commander Forest Hauser did collude/conspire with CCSO Lieutenant Gijanto, Master Deputy
16 Hadfield, Deputy Tasch, records Supervisor Capas, and Arizona police certified, but ex-deputy Nuti to
17 omit Nuti's July 7, 2012 CCSO dispatcher recorded radio transmission from their false October 14,
18 2013 CCSO dispatcher's radio log (Ex. A-16), where Nuti was recording as having spoken words
19 similar to these:

20 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

21 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
22 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

23 368) to keep Plaintiff from having true and complete tangible evidence to use against him/them in
24 now withdrawn civil action; for, Hauser knew or should have known, if it became known through the
25 evidence Nuti said the preceding, he could not argue for probable cause to obtain qualified immunity.

26 1 - Commander Forest Hauser - Directly Involved In CCSO's False Criminal Case

27 a - Hauser Reviewed Nuti's Use Of Force Report

28 369) Hauser, as a Lieutenant at CCSO, during July 2012, was directly involved in the CCSO false

1 criminal investigation / fabricated criminal case against Plaintiff; he was a part of those in the upper
 2 ranks at CCSO, reviewing the case; Nuti reported to him; he was in the upper ranks of the chain of
 3 command.

4 370) July 19, 2012, Hauser was listed in the "chain of command review," where he reviewed Nuti's
 5 use of force report:

6 CHAIN OF COMMAND REVIEW AND DATE:

7 SERGEANT: Sgt. K. Foster, 9602 - Wed Jul 18 13 :40 :53 MST 2012

8 LIEUTENANT: Lt. Forest Hauser - Thu Jul 19 14:25:34 MST 2012

9 COMMANDER: D-C. K. Buckner 9101 - Mon Jul 23 08:29:54 MST 2012 [Ex D-35, p. 4]

10 b - Hauser Reviewed Kenneth Foster's Report

11 371) July 23, 2012 Hauser reviewed Sgt. Kenneth Foster's Shell Station report:

12 Date, Time and Reporting Officer - Mon, Jul 23 07:34:02 MST 2012 – Sgt. K. Foster/9602 - Sierra
 13 Vista Patrol- District

14 Reviewed by: Lt. Forest Hauser Mon Jul 23 17:00:03 MST 2012 [Ex. D-36, p. 2]

15 c - Hauser Reviewed Tod Linendoll's Report

16 372) July 30, 2012, Hauser reviewed Sgt. Tod Linendoll's July 26, 2012 Shell Station report:

17 Reporting Officer Date/Time Thu Jul 26 22 :45 :22 MST 2012 Sgt. Linendoll - 9632

18 Reviewed by: Lt. Forest Hauser Mon Jul 30 12:25:36 MST 2012 (Ex. D-37, p. 2)

19 d - CCSO Reviews Radio Transmissions Related To Incident As Part Of Investigation

20 373) In an investigation report concerning Nuti shooting the man in the back with his taser, revealed
 21 was CCSO reviews radio recordings related to the incident as part of an investigation; Hauser would
 22 have listened to Nuti's July 7, 2012 morning dispatch radio recordings from the river area of S.R. 82,
 23 as part of CCSO's false criminal investigation against Plaintiff, Hauser would have read Nuti's July 7,
 24 2012 river report as well.

25 CCSO 13-009A-Investigative Summary-This summary/synopsis is based on CCSO dispatch radio
 26 recordings, deputy interviews... (Ex. D-38, p. 1)

27 e - Nuti Reported To Hauser

28 374) On June 21, 2013, Hauser admitted in his report Nuti reported to him around August 15, 2012
 noting the CAO returned the case for further investigation; CAO did not decline prosecution; they just
 returned the case with instructions to have CCSO interview Plaintiff for their purposes of upgrading

1 the charges to an aggravated assault, and Gijanto, above, is what CCSO does with interviews, whether
 2 a person said what they said they said or not; in short they falsify reports, or "edit out of," or "into"
 3 recorded interviews words spoken during interviews, or, if no recording, just write a person said this or
 4 that:

5 During the fall of 2012, Deputy James Nuti advised me that the Cochise County Attorney returned
 6 this case back to him and has requested the Sheriff's Office conduct an interview with Jerry Vierra.
 7 (Ex. D-39, p. 1, Ex. D-43)

8 375) Hauser knew or should have known Nuti fabricated his July 7, 2012 radio transmissions about
 9 what he said using CCSO's radio were Plaintiff's actions the morning of July 7, 2012, at the river area
 10 of S.R. 82, for, Hauser reviewed Nuti's July 7, 2012 morning river radio transmissions from the river
 11 area of S.R. 82, all documents, videos, etc., as part of their investigation into CCSO's false criminal
 12 investigation, which began July 7, 2012; Hauser reviewed the entire case as lieutenant during CCSO's
 13 two and a half day false manhunt for Plaintiff; before Plaintiff was falsely arrested on July 9, 2012, and
 14 after.

15 XVIII - Summary

16 376) Nuti fabricated two statements about what he said and wrote were Plaintiff's actions at the river
 17 area of S.R. 82 the morning of July 7, 2012, and, beginning that day and continuing for over a year;

18 377) omitted from CCSO's false criminal investigation / fabricated criminal case against Plaintiff was
 19 Hadfield's and Tasch's river reports;

20 378) manually produced was CCSO's false ten minute forty-one second audio recording of the July
 21 7, 2012 morning radio transmissions, omitted were words Nuti said using CCSO's radio, which were
 22 used on Dever's July 7, 2012 Facebook public alert post;

23 379) manufactured were two false dispatcher's radio logs;

24 380) all with the intent to have Plaintiff falsely prosecuted and falsely imprisoned, and

25 381) finally, discovery in the now withdrawn civil action Plaintiff filed August 1, 2013, revealed CCSO
 26 Commander Hauser, Lieutenant Gijanto, Master Deputy Hadfield, Deputy Tasch, records Supervisor
 27 Capas, and an Arizona police certified, but ex-deputy Nuti did in fact use Cochise County purchased
 28 equipment, on October 14, 2013, at CCSO to intentionally manufacture their third July 7, 2012 false
 CCSO dispatcher's radio log to keep Plaintiff from having the true and complete tangible evidence to

1 validate his claims his constitutional rights were violated, and also to deceive the Courts / Jury to
2 deprive Plaintiff of his Guaranteed Rights to Due Process.

3 382) In addition to the brief history of lies, deceit, and frauds by CCSO, those employed, a former
4 employee of CCSO, and CAO, as seen above, the evidence below reveals Hauser, Gijanto, Hadfield,
5 Tasch, Capas, and Nuti colluded/conspired with their attorney James M. Jellison, sixty days after they
6 manually manufactured from the original in CCSO's computer, as it existed on the date and time of its
7 creation in CCSO's C. A. D. System in their computer, their third false CCSO's dispatcher's radio log
8 October 14, 2013, which for the third time omitted what Nuti said at the river area of S.R. 82; the
9 morning of July 7, 2012, to conceal their omission of fifteen of nineteen words clearly written on the
10 face of A-1 concerning what Nuti said using CCSO's radio the morning of July 7, 2012, at the river
11 area of S.R. 82, were Plaintiff's actions that morning, claiming the fifteen words were not well-pled
12 facts, when they prepared, wrote, and filed their false arguments in their motions in the District Court
13 and in their briefs in the Ninth Circuit to perpetrate their frauds upon the Courts in now withdrawn civil
14 action.

15 XIX - Plaintiff's Presentation Of Their Frauds Perpetrated Upon The Courts

16 383) The same patterns of the one year, three month, seven day: July 7, 2012 - October 14, 2013
17 attempts, and accomplishments, to keep out of Plaintiff's possession the tangible evidence of what
18 Nuti said using CCSO's radio during the morning of July 7, 2012, at the San Pedro River area of S.R.
19 82, concerning what he described were Plaintiff's actions that morning, were repeated by Hauser,
20 Gijanto, Hadfield, Tasch, Capas, and Nuti, with their attorney James Jellison, when they prepared and
21 wrote their false arguments in their motions in the District Court, which continued in their briefs in the
22 Ninth Circuit.

23 384) The following claims all center around Defendants omitting fifteen words from a nineteen word
24 sentence plainly written on the face of A-1 concerning what Nuti spoke using CCSO's radio, when he
25 said words similar to these, "Once the deputy stopped his patrol vehicle and returned to the area, the
26 man had' fled into the desert," replacing the fifteen words, "Once the deputy stopped his patrol vehicle
27 and returned to the area, the man had" with the words, "and then" followed by "fled into the desert."

28 385) The following overwhelming reveals their omissions were intentional; they wrote numerous false

1 arguments consistent with their omissions of fifteen words, and they did prevail, for the most part, in
2 obtaining qualified immunity for Hauser, Gijanto, Hadfield, Tasch, and Capas resulting in injuries to
3 Plaintiff and, through the delivery of their false October 14, 2013 dispatcher's radio log and the false
4 ten minute forty-one second copy of the one hour eight minute July 7, 2012 radio transmissions
5 recording during discovery, Plaintiff was forced to withdraw Second Amended Complaint [A-1], asking
6 the Court to dismiss the entire case, their false CCSO dispatcher's radio log document; their false ten
7 minute forty-one second audio copy of the morning radio transmissions on July 7, 2012, at the river
8 area of S.R. 82, and all of their other actions, prevented Plaintiff from presenting tangible evidence to
9 the Court / Jury that would overcome their false arguments / testimony; thus, Plaintiff was deprived of
10 a fair submission of tangible evidence in the actionable case he set before the District Court and the
11 Ninth Circuit; metaphorically, in the poker game, they dealt Plaintiff cards from a stacked deck! They
12 are liars and cheaters!

13 386) The following claims are grouped together from sections of the several documents submitted
14 as tangible evidence, and not from beginning to end presentations from each document. In doing this,
15 the repetitive actions seen at different times throughout the duration of now withdrawn civil action will
16 show the intent of Defendants to perpetrate their frauds upon the Courts.

17 387) Instead of writing the complete presentation of the evidence following the claims for each
18 named Defendant; Plaintiff's presentation of evidence following and supporting the claim will be
19 written in the details necessary to present the facts of this case once under Jellison, with a reference
20 to the claims and each factual arguments for all Defendants, with the understanding each claim and
21 presentation of evidence apply to all Defendants; they all mutually agreed to prepare, write, and file
22 false arguments in their motions in the District Court and in their briefs in the Ninth Circuit.

23 388) The following quotes of their false arguments and the quotes of the evidence to from A-1, etc.,
24 to support the claims are written as they appeared in the attached Court Filings, with, at times, clearly
25 marked modifications, but not to the point where the text was changed.
26
27
28

1 XX - Attorney James M. Jellison (Jellison)

2 389) Jellison colluded/conspired with Hauser, Gijanto, Hadfield, Tasch, Capas, and Nuti ("The Other
3 Defendants") to prepare, write, and file in motions in the District Court and in briefs in the Ninth Circuit
4 their mutually agreed upon false arguments to perpetrate their frauds upon the Courts to the point
5 where the judicial machinery was unable to perform in the usual manner its impartial task of adjudging
6 the case Plaintiff presented to the District Court and to the Ninth Circuit; depriving Plaintiff of his
7 United States Constitution's Fourteenth Amendment Right to Due Process;

8 390) In the following, will be the words, "Jellison knew or should have known," and each of the entries
9 will begin with the word "that." In short, each entry beginning with the word "that" should be read as
10 Jellison knew or should have known...that, and whatever follows the word "that" is what Jellison knew
11 or should have known at the time he and the other Defendants prepared and wrote, and filed their
12 false arguments to perpetrate their frauds upon the Courts.

13 XXI - Jellison's "Extensive Experience" As Criminal Defense Attorney

14 391) Jellison, with twenty years of extensive experience as a criminal defense attorney in identifying
15 and exposing inconsistencies in statements on behalf of clients, knew or should have known within
16 the realm of his extensive experience Plaintiff revealed on the face of A-1, in now withdrawn civil
17 action, Nuti fabricated evidence; first Advising: Verbally Stating, using CCSO's radio, and second by
18 writing in his river report the two undeniably contradictory statements to describe a single occurrence
19 at the San Pedro River area of S.R. 82; the morning of July 7, 2012, to frame Plaintiff for a crime he
20 could not have been viewed as having committed, due to Nuti's two statements so contradicting each
21 other neither statement could be believed, that Plaintiff couldn't have been viewed by any Defendant to
22 have committed "any" crimes, and Nuti's actions violated the Fourteenth Amendment's Due Process
23 Clause:

24 A - Jellison - Senior Criminal Defense Counsel

25 Following (Jellison's) graduation, he spent five years with the United States Marine Corp...Serving as
26 senior defense counsel. (Ex. D-40, pgs. 1-2)

27 B - Jellison - Extensive Experience - Criminal Defense

28 James M. Jellison, Attorney at Law...has a law practice in Phoenix (AZ)...(602) 277-0157...Lawyer
has extensive experience representing clients in...Criminal Defense... (Ex. D-40, pgs. 1-2)

1 C - Jellison - Not A True Marine

2 392) If Jellison, at the time of receiving and reading A-1 in now withdrawn civil action, was a "True
3 Marine," he would have defended the United States Constitution with his years of accumulated wisdom;
4 he derived from Our Founders, Honorable Justices and Judges, and all those who have throughout
5 the history of America, and who still do, love the Greatest Nation on Earth, and not trampled America's
6 Foundation Documents and Wisdom, which makes America the Greatest Nation, under his feet for
7 personal gain and profit.

8 XXII - Jellison And The Other Defendants Read Allegations On The Face Of A-1

9 393) Jellison read Plaintiff's allegations written on the face of A-1; after reading the words Plaintiff
10 used, Jellison knew or should have known, when he colluded / conspired with the other Defendants to
11 prepare, write, and file motions in the District Court and briefs in Ninth Circuit their false arguments to
12 perpetrate their frauds upon the Courts, their false arguments were in fact false; for, Plaintiff wrote in
13 clear and easy to understand language on the face of A-1 each of the following listed below:

14 A - Nuti Fabricated Evidence - Radio - July 7, 2012 - (Beginning) 9:43 a.m.

15 394) July 7, 2012, about 9:43 a.m., and after, "Nuti used CCSO's radio...to convey to the CCSO
16 dispatcher and others monitoring the CCSO radio frequency fabricated evidence:"

17 On July 7, 2012, about 9:43 AM, Nuti used...CCSO's radio in his patrol vehicle to convey to the
18 CCSO dispatcher and the others monitoring the CCSO radio frequency fabricated evidence. (Ex. A-
1, p. 6, # 31)

19 B - CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

20 395) On July 7, 2012, at 10:06 p.m., "CCSO posted Nuti's fabricated radio transmissions on their
21 Facebook page:"

22 On July 7, 2012, at 10:06 PM, CCSO posted Nuti's fabricated river radio transmission on their
23 Facebook page. (Ex. A-1, p. 6, # 32, Ex.'s D-4, D-5)

24 C - Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

25 396) July 7, 2012, 12:[5]7 p.m.: "Nuti wrote a fabricated and contradictory account of the same
26 occurrence in his report:"

27 July 7, 2012, 12:[5]7 PM, Nuti wrote a fabricated and contradictory account of the same occurrence
28 in his report. (Ex. A-1, p. 6, # 33)

1 D - This Is A Comparison of Two Fabricated Accounts

2 397) Plaintiff wrote he was presenting "a comparison of Nuti's two fabricated accounts of what Nuti
3 claimed happened the morning of July 7, 2012, at the river area of S.R. 82:"

4 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
5 morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p, 6, # 34)

6 E - Six Contradictory Statements Written On The Face Of A-1

7 398) Jellison read the following six contradictory statements written on the face of A-1; reading the
8 words Plaintiff used, he knew or should have known Plaintiff wrote in clear and easy to understand
9 language a comparison of Nuti's two fabricated statements; the male subject being understood to be
10 Plaintiff:

11 399) 1 - No. 1-2 - Standing - Walking

12 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.:

13 The Deputy observed a male subject "standing" on the side of the road. (Ex. A-1, p, 6, # 35)

14 Nuti's River Report - July 7, 2012 - 12:57 p.m.:

15 I observed a male subject... "walking" directly on the white fog line. (Ex. A-1, p. 7, # 36)

16 400) 2 - No. 3-4 - Had Fled Into The Desert - Still On S.R. 82

17 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.:

18 Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the
19 desert. (Ex. A-1, p. 7, # 37)

20 401) Jellison knew or should have known; from reading what was clearly written on the face of A-1,
21 and based on his extensive experience as a criminal defense attorney, according to the words Nuti
22 used, "had fled into the desert," Nuti conveyed an action already completed; already accomplished;
23 Nuti plainly stated to all those monitoring the CCSO radio frequency, Plaintiff was no longer on S.R.
24 82; Plaintiff "had" already left S.R. 82 and entered into the desert before Nuti returned to the area Nuti
25 claimed to have observed Plaintiff standing;

26 Nuti's River Report - July 7, 2012 - 12:57 p.m.:

27 I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get
28 hit by a car." (Ex. A-1, p. 7, # 38)

402) Jellison knew or should have known; from reading the preceding, which was clearly written on

1 the face of A-1, and based on his extensive experience as a criminal defense attorney that Nuti's two
 2 contradictory statements meant Nuti was lying about what he said and wrote happened the morning of
 3 July 7, 2012 on S.R. 82, because Nuti said using CCSO's radio Plaintiff "had" fled into the desert
 4 before he returned to the area he claimed to have seen Plaintiff standing and then, in Nuti's report, he
 5 wrote a detailed description of Plaintiff still being on S.R. 82 for him to have held a conversation with,
 6 "I approached him within my patrol vehicle. I stated, 'Please don't walk on the roadway, you might get
 7 hit by a car.'"

8 403) Jellison knew of should have known that a person cannot have been said to have done two
 9 different things at the same time; one description has to be a lie, which means they both were lies, or
 10 fabricated; even as Plaintiff identified the two statements as being in the comparison.

11 3 - No 5-6 Pointed Weapon At Nuti - Pointed Handgun Toward Ground

12 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.:

13 Deputy Advised that the male subject pointed the weapon at him. (Ex. A-1, p. 7, # 39)

14 Nuti's River Report - July 7, 2012 - 12:57 p.m.:

15 I noted he pointed the firearm toward the ground. (Ex. A-1, p. 7, # 40)

16 404) Jellison knew or should have known; from reading what was clearly written on the face of A-1;
 17 based on his extensive experience as a criminal defense attorney; "Nuti's two fabricated accounts of
 18 the same occurrence, Nuti first said using CCSO's radio and then wrote in his report were violations of
 19 Due Process...."

20 The two deliberately fabricated accounts of the same occurrence that Nuti first said on the CCSO
 21 radio and later wrote in his report...are violations of Due Process... (Ex. A-1, p. 7, # 43)

22 XXIII - Jellison Rearranged Nuti's Two Fabricated Statements

23 405) Jellison rearranged in motions and briefs what Plaintiff wrote on the face of A-1; Plaintiff will
 24 likewise do the same for the discussion of the actual frauds perpetrated upon the Courts:

25 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

26 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 27 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 28 area, the man had fled into the desert, (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol
 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

1 A - Jellison - Other Defendants - Knew Nuti Framed Plaintiff

2 406) Jellison and the other Defendants, at the time the preceding was rearranged, Radio/Report,
3 knew or should have known as a seasoned criminal defense attorney, or the others within the realm of
4 their experience as sheriff's deputies, and just by using good old fashioned common sense, Nuti's two
5 statements so contradicted each other, that, when read together, it was very obvious that Nuti framed
6 Plaintiff for crimes he could not have been viewed as having committed, due to Nuti two statements
7 so contradicting each other neither statement could be believed.

8 XXIV - Who Prepared The False Arguments

9 A - Jellison, Hauser, Gijanto, Hadfield, Tasch, Capas, and Nuti Wrote Arguments

10 407) In response to the Plaintiff's September 19, 2016 facts Defendants used fabricated arguments
11 to construct their defense, Jellison plainly wrote he, Hauser, Gijanto, Hadfield, Tasch, Capas, and Nuti
12 together prepared, and Jellison wrote all the false arguments in all their motions and in all their briefs
13 to establish probable cause / arguable probable cause to obtain qualified immunity; suffice it to say,
14 Jellison did in fact collude / conspire with the other Defendants to prepare, write, and file in all their
15 motions in the District Court and in all their briefs in the Ninth Circuit their false arguments, which they,
16 in unanimous agreement, submitted as their "trial and appellate arguments:"

17 Defendants' Response To Motion For Judicial Notice Of Undisputed Facts - Sept. 30, 2016
18 Plaintiff's motion (Ex. A-10 - Doc 36) actually appears to be a running commentary on Defendants'
19 (and counsel's) trial and appellate arguments in favor of dismissal and the application of qualified
immunity, and Plaintiff's disagreement with those arguments. (Ex. A-11, Doc. 39, p. 3)

20 408) In a July 21, 2017 email from Jellison to Plaintiff, it was admitted: "all arguments made to the
21 Courts, to date, have been based on your own allegations;" i.e., the allegations written on the face of
22 A-1:

23 Email: James Jellison To Plaintiff - July 21, 2017 - All Arguments Based On Plaintiff's Allegations
24 "...Third, no one has lied to four Federal Court Judges. In fact, all arguments made to the Courts, to
25 date, have been based on your own allegations..." (Ex. D-41, p. 2, lines 9-10)

26 XXV - Defendants Culled Through Complaint [A-1]

27 409) Revealed twice, first in the District Court and then in the Ninth Circuit, was the undeniable fact
28 Hauser, Gijanto, Hadfield, Tasch, Capas, and Nuti were each involved in the decision making process

1 and final decision to omit fifteen of nineteen words from their false arguments in their motions in the
2 District Court and briefs in the Ninth Circuit:

3 District Court - Defendants' Motion to Dismiss - December 13, 2013

4 Defendants have Culled Through the Complaint [A-1] in order to identify properly alleged "facts." (Ex.
5 A-2, p. 5 fn),

6 Ninth Circuit - Defendants-Appellants Opening Brief - August 13, 2014

7 ...as they had to do with their motion to dismiss, Defendants have culled through the Complaint [A-1]
8 in order to identify and recite well-pled facts...(Ex. A-5, DktEntry 5-1, p. 19)

9 410) The word Cull, according to Merriam-Webster Dictionary, is defined as: "To select from a
10 group; culled the best passages from the poets work;" omitting the rest, or, in this case, cherry-picking
11 out what they claimed were not well-pled facts. They cherry-picked out fifteen of nineteen words that
12 comprised the whole sentence, "Once the Deputy stopped his patrol vehicle and returned to the area,
13 the man had' fled into the desert;" looking at how they constructed their false arguments, the fifteen
14 words, "Once the Deputy stopped his patrol vehicle and returned to the area, the man had", were not
15 well-pled facts, but the remaining four words in the sentence, "fled into the desert," were well-pled
16 facts. The entire sentence, "Once the Deputy stopped his patrol vehicle and returned to the area, the
17 man had fled into the desert," was clearly a well-pled fact written on the face of A-1.

18 A - The Complete Sentence At One Time Served Their Purposes - Then It Didn't

19 411) Interestingly, the complete sentence is what then-sheriff Larry Dever and his public alert officer
20 wrote on their Facebook page as a public alert, July 7, 2012; therefore, on July 7, 2012, at 10:06 p.m.,
21 the nineteen word sentence was well-pled, because it served their purposes for deceptively soliciting
22 the help of the People in the Cochise County community; Suffice it to say, their complete sentence did
23 not serve their purposes in now withdrawn civil action, so, they colluded / conspired to omit the fifteen
24 of nineteen words, during their preparation and their writing of their false arguments in their motions to
25 dismiss in the District Court and in their opening brief in the Ninth Circuit!

26 412) By using the word "Cull," Jellison admitted he was fully aware of, and a party to, the fifteen of
27 nineteen words clearly written on the face of A-1, "Once the Deputy stopped his patrol vehicle and
28 returned to the area, the man had' fled into the desert," being Culled or omitted by himself, Hauser,
Gijanto, Hadfield, Tasch, Capas, and Nuti during the times of their preparation and of their writing of

1 their false arguments in their motions to dismiss in District Court and their briefs in the Ninth Circuit;
 2 and all of them mutually agreed to replace those fifteen words, "Once the Deputy stopped his patrol
 3 vehicle and returned to the area, the man had..." with the words, "and then," which were followed by
 4 "fled into the desert."

5 B - Hauser, Gijanto, Hadfield, Tasch, Capas, Nuti Culling Words - Normal Routine At CCSO/CAO

6 413) The preceding culling, or cherry-picking, is consistent with, as noted above, (p. 32, # 88), the
 7 deliberate and intentional actions of Hauser, Gijanto, Hadfield, Tasch, Capas, and Nuti omitting any /
 8 all words contradicting their "actions" / "versions of events" / "official narrative," which are just normal
 9 routine at CCSO / CAO, whether it be, using their digital voice recorders / DVD duplicators to "Edit
 10 Words Out Of" their crime scene recordings; destroying exculpatory/impeachment or highly probable
 11 exculpatory/impeachment evidence, or any / all statements that contradict their official narrative, or

12 414) simplify "Editing Words Out Of" recorded interviews in criminal cases, before providing copies
 13 to the accused / defense; destroying contradictory statements: exculpatory / impeachment statements
 14 or highly probable exculpatory/impeachment evidence, or any/all statements contradicting their official
 15 narrative, or

16 415) "Omitting From" their official records words that contradicted their false official narrative, which,
 17 as in the false criminal investigation / fabricated criminal case against Plaintiff, were / are exculpatory
 18 evidence, which would have / should have been written in Tasch's and Hadfield's July 7, 2012 river
 19 reports; if their reports would not been omitted from CCSO's false criminal investigation / fabricated
 20 criminal case against Plaintiff;

21 416) the "Editing Out Of" the July 7, 2012 morning river radio transmissions recording the words that
 22 were / are exculpatory evidence in the false criminal investigation / fabricated criminal case against
 23 Plaintiff, i.e., what Nuti spoke using CCSO's radio the morning of July 7, 2012, at the river area of S.R.
 24 82, during the manual manufacturing of the false ten minute forty-one second audio copy of the river
 25 radio transmissions recording from their one hour, eight minute July 7, 2012 morning audio river radio
 26 transmissions recording; omitting all transmissions contradicting CCSO's false official narrative, or

27 417) "Editing Into" their false ten minute forty-one second audio copy of the July 7, 2012 morning
 28 river radio transmissions recording from their one hour, eight minute July 7, 2012 morning audio river

1 radio transmissions recording the phone conversation between CCSO dispatcher Marquita and D.P.S.
2 dispatcher Shannon, or

3 418) the "Editing Out Of"

4 419) Words concerning what Nuti spoke using CCSO's radio; at the San Pedro River area of S.R.
5 82, the morning of July 7, 2012, in three CCSO dispatcher's radio logs, November 5, 2012, November
6 28, 2012, October 14, 2013, which is what CCSO dispatchers heard and recorded into the CCSO
7 Computer Aided Dispatch (C.A.D.) system; a "rapid and accurate collection...of information relating to
8 [Nuti's fabricated] emergenc[y] ... in the most professional and efficient manner possible." That is "true
9 for every call, consistently and without prejudice," (CCSO Legacy Project Staff Part 3); or

10 420) Words which were/are exculpatory evidence in CCSO's false criminal investigation / fabricated
11 criminal case against Plaintiff; or

12 421) Words that prevented Plaintiff from the possession and use of the tangible evidence needed to
13 prove his civil rights were violated in now withdrawn civil action; or

14 422) Words that contradicted their false official narrative; and finally,

15 423) the "Editing Out" of fifteen of nineteen words in their motions to dismiss in District Court and in
16 their briefs in the Ninth Circuit, i.e., what Plaintiff clearly wrote on the face of A-1: "Once the Deputy
17 stopped his patrol vehicle and returned to the area, the man had' fled into the desert," so they could
18 preserve their false narrative in the now withdrawn civil action, there were no contradictions in Nuti's
19 two statements regarding Plaintiff's actions July 7, 2012, at the river area of S.R. 82, to deceive the
20 Courts, to obtain qualified immunity.

21 XXVI - Omitting Fifteen Of Nineteen Words To Eliminate
22 Contradictions In Nuti's Two Fabricated Statements

23 424) Omitting fifteen of nineteen words eliminated contradictions in Nuti's two fabricated statements,
24 Nuti said using CCSO's radio, by the time he returned to the area he said he just previously observed
25 Plaintiff standing, Plaintiff "had" already removed himself from S.R. 82 and entered into the desert,
26 before Nuti had a chance to hold a conversation with him;

27 425) Nuti, describing the same occurrence, wrote in his river report Plaintiff was on S.R. 82 and he
28 held a conversation with Plaintiff;

1 426) It was impossible for Plaintiff to have been in two places at the same time, Radio: not on S.R.
 2 82, and Report: on S.R. 82; so, the fifteen of nineteen words were removed, culled, or cherry-picked,
 3 from their four false arguments to eliminate the words revealing contradictions in Nuti's two fabricated
 4 statement;

5 427) 1. Nuti approaching Plaintiff; there were two described approaches, the first Nuti spoke using
 6 CCSO's radio, and the second Nuti wrote in his river report; one of the described approaches had to
 7 be removed; each description was used differently, or it had a different outcome:

8 428) Off S.R. 82 - Radio: Once the deputy stopped his patrol vehicle and returned to the area, the
 9 man had fled into the desert; (A-1, p. 7, # 37)

10 429) On S.R. 82 - Report: I approached him within my patrol vehicle. I stated, "Please don't walk on
 11 the roadway, you might get hit by a car;" (A-1, p. 7, # 38)

12 430) 2. The word "Had;" a fact: "fled into the desert" that Nuti said using CCSO's radio was already
 13 accomplished before he returned to the area he said he just previously observed Plaintiff standing;
 14 therefore, described in detail below, the word "had" prevented them from creating their false face-to-
 15 face encounter only between Plaintiff and Nuti in their false arguments;

16 431) omitted from their false arguments were fifteen words in a complete nineteen word sentence to
 17 eliminate Nuti's first described approach of Plaintiff and the word "Had."

18 XXVII - Omission of Fifteen Words - Addition of "And Then" - Four Times

19 432) Omitting fifteen of nineteen words in one argument could be seen as a mistake; omitting fifteen
 20 of nineteen words in their four false arguments; eight months apart: - December 13, 2013 / August 13,
 21 2014, and twice in their opening brief, were, indubitably, deliberate and intentional acts.

22 433) Jellison, knew or should have known, when he colluded/conspired with the other Defendants to
 23 prepare, write, and file in motions in District Court and in briefs in Ninth Circuit their false arguments to
 24 perpetrate their frauds upon the Courts,

25 434) that they were knowingly/intentionally omitting from their false arguments fifteen words Plaintiff
 26 clearly wrote on the face of A-1, concerning Nuti's 9:43 a.m. radio transmissions "Once the deputy
 27 stopped his patrol vehicle and returned to the area, the man had," and then replacing the fifteen words
 28 with 'and then,' followed by "fled into the desert" to preserve their false arguments there was a face-to-

face encounter only between Plaintiff and Nuti the morning of July 7, 2012, at the river area of S.R. 82 (Discussed Below),

435) that they were knowingly/intentionally writing complete descriptions of what Plaintiff wrote on the face of A-1 regarding Nuti's 12:57 p.m. river report to emphasize their false face-to-face encounter only arguments:

Stand-Alone Claims: 5: §1983-(x7 Defs.), 6: §1985(3)-(x7 Defs.)

District Court - Defendants' Motion To Dismiss - December 13, 2013

Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert.

Plaintiff alleges Deputy Nuti, in a report authored that day at 12:57 p.m., described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white fog line, where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-2, Doc. 24, p. 5)

Stand-Alone Claims: 7: §1983-(x7 Defs.), 8: §1985(3)-(x7 Defs.)

District Court - Defendants' Motion In Support Of Motion To Dismiss - December 27, 2013

Plaintiff does seem to dispute what his Second Amended Complaint alleges concerning Deputy Nuti. On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio transmission, described the encounter as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert.

Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-4, Doc. 28, p. 3)

436) Same False Arguments Written Twice In Opening Brief

437) The different words used in the following two false arguments reveals the second entry was not a copy and paste, their false arguments were actually retyped using different words; therefore, their intent to write their false arguments is clearly revealed in their two following false arguments:

Stand-Alone Claims: 9: §1983-(x7 Defs.), 10: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

Vierra alleges Deputy Nuti in a 9:43 a.m. radio transmission described his encounter with Vierra as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert.

Plaintiff alleges Deputy Nuti, in a report authored later that day at 12:57 p.m., described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-5, DktEntry 5-1, pgs. 19-20)

Stand-Alone Claims: 11: §1983-(x7 Defs.), 12: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio transmission, described the encounter as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert.

Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-5, DktEntry 5-1, pgs. 48-49)

XXVIII - Had - Precise Meaning

438) Jellison and the other Defendants knew or should have known the word "Had" has a precise meaning;

439) Had in context with its usage in Plaintiff's A-1 reveals an action already accomplished, like "the man "'Had' fled into the desert;" "Had;" a fact: "fled into the desert," Nuti said using CCSO's radio was an already accomplished fact, before Nuti returned to the area he said he previously observed Plaintiff standing;

440) therefore, when Jellison colluded/conspired with the other Defendants to prepare, write, and file in motions in the District Court and briefs in the Ninth Circuit their false arguments to perpetrate their frauds upon the Courts; they omitted past tense "Had" in their false arguments, replacing those words with "and then;" to eliminate all contradictions in Nuti's two fabricated statements concerning what he said and wrote were Plaintiff's actions during the morning of July 7, 2012, at the river area of S.R. 82;

441) Had - Already left S.R. 82: "the man had fled into the desert,"

442) Still on S.R. 82: "I approached him within my patrol vehicle. I stated, 'Please don't walk on the roadway, you might get hit by a car:'"

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert. (Ex. A-1, p. 7, # 37)

Nuti's River Report - July 7, 2012 -12:57 p.m.

I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." (Ex. A-1, p. 7, # 38)

XXIX - Jellison - False Statement Of Fact To Tribunal

443) Jellison, as an attorney, knew or should have known the preceding four false arguments were false statements of fact to a tribunal:

Arizona Legal Ethics 3.3:200 - False Statements to a Tribunal

AZ-ER 3.3(a) identifies four separate, but related, duties which a lawyer owes to a tribunal:

1. a lawyer may not make a false statement of fact...to a tribunal;

AZ-ER 3.4(b) a lawyer shall not "participate in the creation or preservation of evidence when he knows or it is obvious that the evidence is false." "an attorney may not "falsify evidence..."

XXX - Using Truth / Honesty Could Not Make Defendants' Case For Probable Cause

444) Jellison knew or should have known, with his extensive experience as a twenty year criminal defense attorney, when he colluded/conspired with the other Defendants to write the false arguments, if truth and honesty would have been used to write their arguments, that is, used what Plaintiff wrote on the face of A-1 concerning Nuti's fabricated river radio transmissions in their arguments:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. *Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert;* (Ex. A-1, p. 6-7, # 35, 39, 37)

District Court - Defendants' Motion to Dismiss - December 13, 2013

Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff as one of a male subject standing on the side of the road, who pointed a weapon at him, ~~and then~~ *[Once the deputy stopped his patrol vehicle and returned to the area, the man had]* fled into the desert. (Ex. A-2, Doc. 24, p. 5)

District Court - Defendants' Motion In Support Of Motion To Dismiss - December 27, 2013

Plaintiff does seem to dispute what his Second Amended Complaint alleges concerning Deputy Nuti. On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio transmission, described the encounter as one of a male subject standing on the side of the road, who pointed a weapon at him, ~~and then~~ *[Once the deputy stopped his patrol vehicle and returned to the area, the man had]* fled into the desert. (Ex. A-4, Doc. 28, p. 3)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

Vierra alleges Deputy Nuti in a 9:43 a.m. radio transmission described his encounter with Vierra as one of a male subject standing on the side of the road, who pointed a weapon at him, ~~and then~~ *[Once the deputy stopped his patrol vehicle and returned to the area, the man had]* fled into the

desert. (Ex. A-5, DktEntry 5-1 p. 19-20)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio transmission, described the encounter as one of a male subject standing on the side of the road, who pointed a weapon at him, ~~and then~~ *[Once the deputy stopped his patrol vehicle and returned to the area, the man had]* fled into the desert. (Ex. A-5, DktEntry 5-1, pgs. 48-49)

445) along with what Plaintiff wrote on the face of A-1 concerning Nuti's fabricated river report:

District Court - Defendants' Motion to Dismiss - December 13, 2013

Plaintiff alleges Deputy Nuti, in a report authored that day at 12:57 p.m., described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white fog line, where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-2, Doc. 24, p. 5)

District Court - Defendants' Motion In Support Of Motion To Dismiss - December 27, 2013

Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-4, Doc. 28, p. 3)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

Plaintiff alleges Deputy Nuti, in a report authored later that day at 12:57 p.m., described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-5, DktEntry 5-1, p. 19-20)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-5, DktEntry 5-1, pgs. 48-49)

446) red flags, at four different times, would have been raised in the Courts' minds, i.e., "How could Nuti claim in his afternoon river report to have held a conversation with the man, who Nuti said about three hours earlier using CCSO's radio 'Had' fled into the desert, "Had;" a fact: "fled into the desert," Nuti said using CCSO's radio was already accomplished before he returned to the area he said he just previously observed Plaintiff standing, or understood to mean: Had already departed from S.R. 82 and entered into the desert, before Nuti returned to the area he said he just previously observed the man standing?

447) Jellison knew or should have known, when he colluded/conspired with the other Defendants to

1 prepare and write their false arguments, it would have been obvious in any person's mind, if Nuti lied
 2 using CCSO's radio, when he gave his first description of Plaintiff's actions, that the second completely
 3 contradictory description of the same occurrence Nuti wrote in his river report, about three hours later,
 4 couldn't be believed; and Nuti's two contradictory statements would have been viewed as fabricated to
 5 frame Plaintiff for a crime he in no wise could have been viewed as having committed, because Nuti's
 6 two statements so contradicted each other neither of Nuti's two statement could be believed.

7 448) Jellison knew or should have known, with his twenty plus years of extensive experience as a
 8 criminal defense attorney the preceding would have been the conclusion that both the Courts reading
 9 Nuti's two fabricated statements would have reached, and so did the other Defendants;

10 449) Jellison knowingly colluded/conspired with other Defendants, who "reached a unity of purpose
 11 or a common design and understanding, or a meeting of the minds," Lacey v. Maricopa County, 693 F.
 12 3d 896, 934 (9th Cir. 2012), to omit the fifteen words described above from their false trial and
 13 appellate arguments to perpetrate their frauds upon District Court and the Ninth Circuit in the above
 14 four false arguments in now withdrawn civil action, which they admitted they wrote together:

15 Plaintiff's motion actually appears to be a running commentary on Defendants' (and counsel's) trial
 16 and appellate arguments in favor of dismissal and the application of qualified immunity, and
 17 Plaintiff's disagreement with those arguments. (Ex. A-11, p. 3)

18 XXXI - Professional Misconduct To Engage In Conduct Involving Fraud

19 450) Jellison knew or should have known, by omitting fifteen of nineteen words written on the face
 20 of A-1: "Once the deputy stopped his patrol vehicle and returned to the area, the man had;" replacing
 21 them with "and then" followed by "fled into the desert", from all four of their false arguments; it was
 22 professional misconduct, and he was engaging in conduct involving fraud, by writing and submitting
 23 false statements of fact as true to a tribunal:

24 Arizona Rules of Professional Conduct

25 AZ-ER 3.3(a) identifies four separate, but related, duties which a lawyer owes to a tribunal:

26 1. a lawyer may not make a false statement of fact...to a tribunal;

27 4. a lawyer may not knowingly offer false evidence...

28 ER 8.4 MISCONDUCT

It is professional misconduct for a lawyer to: (a) violate or attempt to violate the Rules of Professional
 Conduct...(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation...

1 XXXII - Use Of Two False Cases Reveal Intent To Perpetrate Fraud Upon The Courts

2 A - False Case Argument Preceding False Arguments
3 Reveal Intent To Perpetrate Frauds Upon The Courts

4 451) Jellison revealed in unmistakable words his and the other Defendants' intent to prepare, write,
5 and file their false arguments; Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007) was used in
6 their motion to dismiss preceding their false arguments; the following case indubitably reveals their
7 omission of fifteen of nineteen words plainly written on the face of A-1, "Once the deputy stopped his
8 patrol vehicle and returned to the area, the man had' fled into the desert," were intentionally omitted.

9 Stand-Alone Claims: 13: §1983-(x6 Defs.), 14: §1985(3)-(x6 Defs.)

10 Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)

11 Factual allegations must be enough to raise a right to relief above the Speculative Level. Id. Without
12 some Factual allegation in the Complaint [A-1], it is hard to see how a claimant could satisfying the
13 requirement of providing not only fair notice of the nature of the claim, but also grounds upon which
14 the claim rests. (citing 5C. Wright & A. Miller, Federal Practice and Procedure § 1202, pp. 94, 95 (3d
ed. 2004) Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007) (Ex. A-2, Doc 24, pgs. 2-4)

15 452) Jellison, knew or should have known, with all of his accumulated extensive experience in civil
16 litigation; Hauser, Gijanto, Hadfield, Tasch, and Nuti within the realm of their experiences as sheriff's
17 deputies; the quote from the preceding case: "Factual Allegations must be enough to raise a right to
18 relief above the Speculative Level," could only have been used, if they omitted fifteen of nineteen
19 words: "Once the deputy stopped his patrol vehicle and returned to the area, the man had' fled into
20 the desert," in their false arguments; Nuti's two fabricated / contradictory statements describing the
21 same occurrence did raise the allegations beyond a speculative level, and Plaintiff clearly revealed on
22 the face of A-1 Nuti fabricated evidence to frame Plaintiff for a crime he could not have been viewed
23 as having committed, due to Nuti's two statements so contradicting each other neither statement
24 could be believed;

25 453) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO
26 posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning
27 fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a
28 comparison of Nuti's two fabricated accounts;" followed by Nuti's two fabricated statements:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40).

B - False Case Argument Following False Argument Reveal Intent to Perpetrate Frauds Upon Courts

454) Jellison revealed using unmistakable words his and the other Defendants' intent to prepare, write, and file their false arguments; United States v. Lopez, 482 F.3d 1067, 1072 (9th Cir. 2007) was used in their opening brief in Ninth Circuit following their false arguments; the following case reveals their omission of fifteen of nineteen words Plaintiff wrote on the face of A-1, "Once the deputy stopped his patrol vehicle and returned to the area, the man had' fled into the desert," were intentionally omitted:

Stand-Alone Claims: 15: §1983 (x6 Defs.), 16: §1985(3)-(x6 Defs.)

United States v. Lopez, 482 F.3d 1067, 1072 (9th Cir. 2007)

Probable cause to arrest exists when officers have knowledge or reasonably trustworthy information sufficient to lead a person of reasonable caution to believe that an offense has been or is being committed by the person being arrested." United States v. Lopez, 482 F.3d 1067, 1072 (9th Cir. 2007) (citing Beck v. Ohio, 379 U.S. 89, 91 (1964), (Ex. A-5, DktEntry 5-1, Pgs. 39-40)

1 455) Jellison knew or should have known, with all of his accumulated extensive experience in civil
 2 litigation; Hauser, Gijanto, Hadfield, Tasch, and Nuti within the realm of their experiences as sheriff's
 3 deputies; the quotes from preceding case argument were false;

4 456) that Nuti's two contradictory statements, Plaintiff clearly wrote on the face of A-1, was not even
 5 close to being the description of "Probable cause to arrest with knowledge or reasonably trustworthy
 6 information sufficient to lead a person of reasonable caution to believe that an offense has been or is
 7 being committed by the person being arrested;" to the contrary, Plaintiff clearly wrote on the face of A-
 8 1 the words that would lead a person to believe Nuti "Lied," when Nuti spoke and wrote two identified
 9 fabricated statements;

10 457) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO
 11 posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning
 12 fabricated radio transmissions; Nuti wrote a fabricated - contradictory account in his report; this is a
 13 comparison of Nuti's two fabricated accounts;" followed by Nuti's two fabricated statements:

14 Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

15 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
 16 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence. (Ex.
 17 A-1, p. 6, #31)

18 CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

19 On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their
 20 Facebook page. (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

21 Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

22 On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same
 23 occurrence in his report. (Ex. A-1, p. 6, #33)

24 This Is A Comparison Of Nuti's Two Fabricated Accounts

25 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
 26 morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, #34)

27 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

28 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol
 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40).

1 C - False Statements of Law to Tribunal

2 458) Jellison knew or should have known, by using falsely applied cases in their false arguments it
3 was making false statements of law to a tribunal:

4 Arizona Rules of Professional Conduct

5 AZ-ER 3.3(a) identifies four separate, but related, duties which a lawyer owes to a tribunal:

6 1. a lawyer may not make a false statement of law...to a tribunal;

7 ER 8.4 MISCONDUCT

8 It is professional misconduct for a lawyer to: (a) violate or attempt to violate the Rules of Professional
9 Conduct...(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation...

10 XXXIII - Defendants Revealed Their Goal Was To Establish Face-To-Face Encounter Only
A- District Court - Face-To-Face Encounter - Sequence Of False Arguments Of Events

11 459) Omitting fifteen of nineteen words, "Once the deputy stopped his patrol vehicle and returned to
12 the area, the man had' fled into the desert," in above four false arguments (pgs. 128-130), was used
13 to eliminate contradictions in Nuti's two fabricated statements; Defendants in their next two arguments
14 revealed their goal was to establish a face-to-face encounter only between Plaintiff and Nuti.

15 460) Their false face-to-face encounter only arguments was the foundation upon which all their false
16 arguments were constructed to establish probable cause Plaintiff committed crimes to manipulate the
17 Courts to grant qualified immunity.

18 461) Their emphasis there was a face-to-face encounter only between Plaintiff and Nuti for safety
19 reasons; their combining and using Nuti's two fabricated statements about what he said and wrote
20 were Plaintiff's actions with a gun the morning of July 7, 2012, at the river area of S.R. 82, as both
21 occurring during a face-to-face encounter, was out of context with what Plaintiff clearly wrote on the
22 face of A-1 regarding what Nuti said and wrote; they falsely argued it was after their face-to-face
23 encounter, during which time they wrote Plaintiff pointed or displayed a gun; Plaintiff then fled into the
24 desert or fled the scene.

25 462) Jellison, when he colluded/conspired with other Defendants to prepare, write, and file their
26 false arguments in their motion to dismiss in the District Court:

27 District Court: Motion To Dismiss, Dec. 13, 2013

28 Plaintiff's alleged facts are that, on July 7, 2012, Deputy Nuti allegedly approached Plaintiff on a
highway and informed him to either stay off the road or it was unsafe to be on the road. Plaintiff

1 responded by either pointing a weapon at Deputy Nuti, or otherwise displaying a handgun pointed at
2 the ground. Plaintiff then fled into the desert; (Ex. A-2, Doc. 24, pgs. 10-11)

3 463) revealed in the clearest language the intent behind their unanimous decision to leave out of
4 their false arguments the fifteen words, "Once the deputy stopped his patrol vehicle and returned to
5 the area, the man had;" replacing the words with "and then" followed by "fled into the desert."

6 District Court - Defendants' Motion to Dismiss - December 13, 2013

7 Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff
8 as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then*
fled into the desert. (Ex. A-2, Doc. 24, p. 5)

9 464) It is plainly seen in the sequence of the false version of events in their false arguments they
10 wrote happened at the river area of S.R. 82; the morning of July 7, 2012, which they intentionally
11 created by removing the aforementioned fifteen of nineteen words.

12 465) By examining each sentence, the elements revealing their frauds perpetrated upon the Courts
13 is crystal clear.

14 1 - Face-To-Face Encounter

15 a - Nuti Approached Plaintiff On A Highway...It Was Unsafe To Be On The Road

16 466) Jellison knew or should have known, when he colluded/conspired with the other Defendants to
17 prepare, write, and file their false arguments in their motion to dismiss in District Court;

18 467) that the first element of their preceding false arguments:

19 Stand-Alone Claims: 17: §1983-(x7 Defs.), 18: §1985(3)-(x7 Defs.)

20 District Court - Defendants' Motion to Dismiss - December 13, 2013

21 "Plaintiff's alleged facts are that, on July 7, 2012, Deputy Nuti allegedly approached Plaintiff on a
22 highway and informed him to either stay off the road or it was unsafe to be on the road;" (Ex. A-2,
Doc. 24, pgs. 10-11)

23 were in fact false;

24 468) that; that sentence, referred to hereinafter as the ("Face-To-Face Encounter"), could have only
25 been used as the centerpiece, or main emphasis of their arguments, through the omission from their
26 false arguments fifteen of nineteen words: "Once the deputy stopped his patrol vehicle and returned to
27 the area, the man had," replaced with the words "and then" followed by "fled into the desert:"

28 District Court - Defendants' Motion to Dismiss - December 13, 2013

1 Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff
 2 as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then*
 3 fled into the desert; (Ex. A-2, Doc. 24, p. 5)

4 469) that Plaintiff wrote on the face of A-1 Nuti stated using CCSO's radio there was no face-to-face
 5 encounter with the Plaintiff; "the man" was no longer on S.R. 82; for, he "had' fled into the desert"
 6 before Nuti "stopped his patrol vehicle and returned to the area he said he just previously observed
 7 the man standing:

8 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

9 The Deputy observed a male subject standing on the side of the road. Deputy Advised that the male
 10 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 11 area, *the man had fled into the desert*; (Ex. A-1, p. 6-7, # 35, 37)

12 470) that their use of the false face-to-face encounter only argument as the centerpiece, or the main
 13 emphasis of their false arguments were false and misleading;

14 471) that Plaintiff clearly identified on the face of A-1 Nuti's two statements were fabricated:

15 This Is A Comparison Of Nuti's Two Fabricated Accounts

16 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
 17 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

18 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

19 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 20 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 21 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

22 Nuti's River Report - July 7, 2012 - 12:57 p.m.

23 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 24 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 25 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

26 b - Pointing A Weapon At Nuti / Otherwise Displaying A Handgun Pointed At The Ground

27 472) that the second element of their preceding false arguments:

28 Stand-Alone Claims: 19: §1983 (x7 Defs.), 20: §1985(3)-(x7 Defs.)

District Court - Defendants' Motion to Dismiss - December 13, 2013

Plaintiff responded by either pointing a weapon at Deputy Nuti, or otherwise displaying a handgun
 pointed at the ground... (Ex. A-2, Doc. 24, pgs. 10-11)

were in fact false,

473) that their above claim, according to their preceding false face-to-face encounter only argument,
 was Nuti approached Plaintiff for safety reasons, followed by "Plaintiff responded by either pointing a

1 weapon at Deputy Nuti, or otherwise displaying a handgun pointed at the ground," was, without any
2 doubt, false;

3 474) that structuring their false argument to read either of Nuti's two fabricated statements regarding
4 a gun occurred during their face-to-face encounter only was a blatantly false argument;

5 475) that combining Nuti's two fabricated statements about what he said and wrote Plaintiff did with
6 the gun into one single occurrence; during the face-to-face encounter, was a false combining of Nuti's
7 two fabricated statements concerning the gun;

8 476) that Nuti said and wrote his two fabricated statements about the gun in two entirely different
9 and contradictory statements;

10 477) that Nuti's statement Plaintiff pointed the gun at him was what Nuti said using CCSO's radio,
11 and it occurred after Nuti said he observed Plaintiff standing on the side of S.R. 82, and before Nuti
12 said, once he "stopped his patrol vehicle and returned to the area, the man had fled into the desert;"
13 and Nuti conveyed he did not have any contact with Plaintiff on S.R. 82; after he said Plaintiff pointed
14 a gun at him: Nuti "returned to the area, the man had fled into the desert."

15 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

16 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
17 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
18 area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

19 478) that Nuti's claim he saw Plaintiff point the firearm toward the ground was what Nuti wrote in his
20 river report about three hours after his 9:43 a.m. river radio transmissions the morning of July 7, 2012;
21 so, Nuti's claim Plaintiff pointed the firearm at the ground, as written in the sequence of events on the
22 face of A-1, was at the end of Nuti's description of the face-to-face encounter with Plaintiff;

23 Nuti's River Report - July 7, 2012 - 12:57 p.m.

24 I observed a male subject walking directly on the white fog line. I approached him within my patrol
25 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
26 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

27 479) that Nuti earlier said using CCSO's radio was not on S.R. 82 for there to have been a face-to-
28 face encounter with; because "the man 'had' fled into the desert," "Had;" a fact: "fled into the desert,"
Nuti said using CCSO's radio was already accomplished before he returned to the area he said he
just previously observed Plaintiff standing:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, #'s 35, 37)

480) that their purpose for writing the preceding arguments was to write it was during a face-to-face encounter, Plaintiff responded to what they wrote were Nuti's safety concerns by "either" pointing the weapon at Nuti, or otherwise displaying the handgun pointed at the ground; the preceding was written knowing evidence to the contrary clearly revealed Nuti's two fabricated descriptions of Plaintiff's actions concerning a gun were described as having occurred at two different times, under two entirely different described situations;

481) that Plaintiff clearly identified Nuti's two fabricated statements regarding what he said and wrote were Plaintiff's actions with the gun the morning of July 7, 2012, at the river area of S.R. 82, as both being fabricated:

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, (Ex. A-1, pgs. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

482) that the preceding quotes from A-1, when read together, clearly reveal Jellison and the other Defendants colluded/conspired to cherry-pick words out of the above quotes and omit from their false arguments fifteen of nineteen words, "Once the deputy stopped his patrol vehicle and returned to the area, the man had' fled into the desert," to eliminate contradictions in Nuti's two fabricated statements regarding Plaintiff: Radio: off S.R. 82 / Report: on S.R. 82, in order to enable them to create their false face-to-face encounter only between Plaintiff and Nuti, as the centerpiece of their false arguments, falsely combine the pointing or displaying a handgun, as happening during their false face-to-face encounter, and then to claim it was at the end of their false face-to-face encounter, in the sequence of

1 their false description of events, that "Plaintiff "then" fled into the desert:

2 c - Plaintiff "Then" Fled Into The Desert

3 483) that the third element of their preceding false arguments:

4 Stand-Alone Claims: 21: §1983-(x7 Defs.), 22: §1985(3)-(x7 Defs.)

5 District Court - Defendants' Motion to Dismiss - December 13, 2013

6 Plaintiff then fled into the desert. (Ex. A-2, Doc. 24, pgs. 10-11)

7 were in fact false;

8 484) that the words "fled into the desert" were what Plaintiff wrote on the face of A-1 regarding
9 Nuti's fabrications in his river radio transmissions:

10 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

11 ...Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the
12 desert, (Ex. A-1, p. 7, # 37)

13 485) that the words "fled into the desert" were not mentioned in what they quoted in their false
14 arguments Plaintiff wrote on the face of A-1 regarding Nuti's fabrications in his river report:

15 Nuti's Report - July 7, 2012 - 12:57 p.m.

16 I observed a male subject walking directly on the white fog line. I approached him within my patrol
17 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
18 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

19 486) but it was used in their false combining of Nuti's two fabricated statements - Radio/Report, into
20 a single false face-to-face encounter only between Plaintiff and Nuti;

21 487) for all the above reasons, Jellison knew or should have known, when he colluded/conspired
22 with the other Defendants to prepare and write their false arguments in their motion to dismiss in the
23 District Court all the elements in their false face-to-face encounter only argument were in fact false
24 arguments:

25 District Court - Defendants' Motion To Dismiss - December 13, 2013

26 Plaintiff's alleged facts are that, on July 7, 2012, Deputy Nuti allegedly approached Plaintiff on a
27 highway and informed him to either stay off the road or it was unsafe to be on the road. Plaintiff
28 responded by either pointing a weapon at Deputy Nuti, or otherwise displaying a handgun pointed at
the ground. Plaintiff then fled into the desert. (Ex. A-2, Doc. 24, pgs. 10-11)

B - Ninth Circuit - Face-To-Face Encounter - Sequence Of False Version Of Events

1 - Face-To-Face Encounter

1 488) Eight months later, Jellison, when he colluded/conspired with the other Defendants to prepare,
2 write, and file their false arguments in their opening brief in the Ninth Circuit:

3 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

4 On July 7, 2012, Deputy James Nuti, Jr. approached Plaintiff on a public roadway to have a dialogue
5 with him, at which time Plaintiff then pointed or displayed a handgun and then fled the scene; (Ex. A-
5, DktEntry 5-1, p. 24)

6 489) revealed their intent to write the preceding false argument in District Court, when, they did in
7 fact use the same false face-to-face encounter only argument in the Ninth Circuit.

8 490) Their preceding false argument used in the Ninth Circuit was prepared, written, and filed in
9 their opening brief in the Ninth Circuit; even though they used different words, "fled the scene" instead
10 of "fled into the desert," it used the same sequence as described above in the District Court;

11 491) Nuti approached Plaintiff to have a dialogue, (Face-To-Face Encounter),

12 492) Plaintiff "then" pointed or displayed a handgun,

13 493) Plaintiff "then" fled the scene (D.C.: "fled into the desert").

14 1 - Face-To-Face Encounter

15 a - Deputy James Nuti, Jr. Approached Plaintiff On A Public Roadway To Have A Dialogue

16 494) Jellison knew or should have known, when he colluded / conspired with the other Defendants
17 to prepare, write, and file their false arguments in their opening brief in the Ninth Circuit;

18 495) that the first element of their preceding false arguments:

19 Stand-Alone Claims: 23: §1983-(x7 Defs.), 24: §1985(3)-(x7 Defs.)

20 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

21 On July 7, 2012, Deputy James Nuti, Jr. approached Plaintiff on a public roadway to have a dialogue
22 with him ...(Ex. A-5, DktEntry 5-1, p. 24)

were in fact false;

23 496) that; that sentence, referred to hereinafter as the ("Face-To-Face Encounter"), could have only
24 been used as the centerpiece, or main emphasis of their arguments, through the omission from their
25 false arguments of fifteen of nineteen words, "Once the deputy stopped his patrol vehicle and
26 returned to the area, the man had," replaced with the words "and then" followed by "fled into the
27 desert," from their two false arguments in their opening brief in the Ninth Circuit:

28 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

Vierra alleges Deputy Nuti in a 9:43 a.m. radio transmission described his encounter with Vierra as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert. (Ex. A-5, DktEntry 5-1, pgs. 19-20)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio transmission, described the encounter as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert. (Ex. A-5, DktEntry 5-1, pgs. 48-49)

497) that Plaintiff wrote on the face of A-1 Nuti said using CCSO's radio there was no face-to-face encounter with Plaintiff; "the man" was no longer on S.R. 82; for, he "had" fled into the desert."

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, *the man had fled into the desert.* (Ex. A-1, p. 6-7, # 35, 39, 37)

498) that their use of the false face-to-face encounter only argument as the centerpiece, or the main emphasis of their false arguments were false and misleading.

499) that Plaintiff clearly identified on the face of A-1 Nuti's two statements were fabricated:

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, *the man had fled into the desert;* (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

b - At Which Time Plaintiff Then Pointed Or Displayed A Handgun

500) that the second element of their preceding false arguments:

Stand-Alone Claims: 25: §1983-(x7 Defs.), 26: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

...at which time Plaintiff then pointed or displayed a handgun... (Ex. A-5, DktEntry 5-1, p. 24)

were in fact false,

501) that their above claim, according to their preceding false face-to-face encounter only argument,

1 was that Nuti approached Plaintiff to have a dialogue, followed by "at which time Plaintiff then pointed
2 or displayed a handgun," was a blatantly false argument;

3 502) that structuring their false argument to read, at the time of a dialogue, or during their false face-
4 to-face encounter, Plaintiff pointed or displayed a handgun was a false argument;

5 503) that combining Nuti's two fabricated statements about what he said and wrote Plaintiff's did
6 with the gun the morning of July 7, 2012, at the river area of Hwy 82, into one single occurrence;
7 during the face-to-face encounter, was a false combining of Nuti's two fabricated statements;

8 504) that Nuti said and wrote his two fabricated statements about the gun in two entirely different
9 and contradictory statements;

10 505) that Nuti's statement Plaintiff pointed the gun at him was what Nuti said using CCSO's radio,
11 and it occurred after Nuti said he observed Plaintiff standing on the side of S.R. 82, and before Nuti
12 said, once he "stopped his patrol vehicle and returned to the area, the man had fled into the desert;"
13 and Nuti conveyed he did not have any contact with Plaintiff on S.R. 82; after he said Plaintiff pointed
14 a gun at him: Nuti "returned to the area, the man had fled into the desert."

15 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

16 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
17 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
18 area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

19 506) that Nuti's claim he saw Plaintiff point the firearm toward the ground was what Nuti wrote in his
20 river report about three hours after his 9:43 a.m. river radio transmissions the morning of July 7, 2012;
21 so, Nuti's claim Plaintiff pointed the firearm at the ground, as written in the sequence of events on the
22 face of A-1, was at the end of Nuti's description of the face-to-face encounter with Plaintiff;

23 Nuti's River Report - July 7, 2012 - 12:57 p.m.

24 I observed a male subject walking directly on the white fog line. I approached him within my patrol
25 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
26 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

27 507) that Nuti earlier said using CCSO's radio was not on S.R. 82 for there to have been a face-to-
28 face encounter with; because "the man 'had' fled into the desert," "Had;" a fact: "fled into the desert,"
Nuti said using CCSO's radio was already accomplished before he returned to the area he said he just
previously observed Plaintiff standing:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

1 The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his
2 patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, #s 35, 37)

3 508) that their purpose for writing the preceding false arguments, was to write it was during a face-
4 to-face encounter, Nuti approached Plaintiff on a public roadway to have a dialogue with him, at which
5 time Plaintiff then pointed or displayed the handgun; the preceding was written knowing evidence to
6 the contrary clearly revealed Nuti's two fabricated descriptions of Plaintiff's actions concerning the gun
7 were described as having occurred at two different times, under two entirely different described
8 situations;

9 509) that Plaintiff clearly identified Nuti's two fabricated statements regarding what he said and
10 wrote were Plaintiff's actions with a gun the morning of July 7, 2012, at the river area of S.R. 82 as
11 both being fabricated:

12 This Is A Comparison Of Nuti's Two Fabricated Accounts

13 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
14 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

15 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

16 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
17 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
18 area, the man had fled into the desert, (Ex. A-1, pgs. 6-7, # 35, 39, 37)

19 Nuti's River Report - July 7, 2012 - 12:57 p.m.

20 I observed a male subject walking directly on the white fog line. I approached him within my patrol
21 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
22 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

23 510) that the preceding quotes from A-1, when read together, clearly reveal Jellison and the other
24 Defendants colluded / conspired to cherry-pick words out of the above quotes and omit from their
25 false arguments fifteen of nineteen words, "Once the deputy stopped his patrol vehicle and returned
26 to the area, the man had' fled into the desert," to eliminate contradictions in Nuti's two fabricated
27 statements regarding Plaintiff: Radio: off S.R. 82 / Report: on S.R. 82, in order to enable them to
28 create their false face-to-face encounter only between Plaintiff and Nuti, as the centerpiece of their
false arguments, falsely combine the pointing or displaying a handgun, as happening during their false
face-to-face encounter, and then to claim it was at the end of their false face-to-face encounter, in the
sequence of their false description of events, that "Plaintiff "then" fled the scene;

1 c - Plaintiff "Then" Fled The Scene

2 511) that the third element of their preceding false argument:

3 Stand-Alone Claims: 27: §1983-(x7 Defs.), 28: §1985(3)-(x7 Defs.)

4 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

5 ...and then fled the scene. (Ex. A-5, DktEntry 5-1, p. 24)

6 was in fact false;

7 512) that the words "fled the scene" / (D.C. "fled into the desert") were what Plaintiff wrote on the
8 face of A-1 regarding Nuti's fabrications in his river radio transmissions:

9 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

10 ...Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the
11 desert, (Ex. A-1, p. 7, # 37)

12 513) that the words "fled the scene" / (D.C. "fled into the desert") were not mentioned in what they
13 quoted in their false arguments Plaintiff wrote on the face of A-1 regarding Nuti's fabrications in his
14 river report:

15 Nuti's River Report - July 7, 2012 - 12:57 p.m.

16 I observed a male subject walking directly on the white fog line. I approached him within my patrol
17 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
18 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

19 514) but it was used in their false combining of Nuti's two fabricated statements - Radio/Report, into
20 a single false face-to-face encounter only between Plaintiff and Nuti;

21 515) for the above reasons, Jellison knew or should have known, when he colluded / conspired with
22 the other Defendants to write their false arguments in their opening brief in the Ninth Circuit that all the
23 elements in their false face-to-face encounter only arguments were in fact false:

24 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

25 On July 7, 2012, Deputy James Nuti, Jr. approached Plaintiff on a public roadway to have a dialogue
26 with him, at which time Plaintiff then pointed or displayed a handgun and then fled the scene. (Ex. A-
27 5, DktEntry 5-1, p. 24)

28 XXXIV - Plaintiff Falsely Portrayed As Having Engaged In Criminal Activity In False Arguments

516) Defendants wrote false arguments concerning Plaintiff committing crimes at the river area of
S.R. 82; the morning of July 7, 2012; it was done in spite of the obvious fact nothing written on the
face of A-1 supported what they wrote; to the contrary, everything written revealed the opposite; Nuti

1 fabricated evidence to frame Plaintiff for crimes he could not have been viewed as having committed,
2 due to Nuti's two statements so contradicting each other neither statement could be believed.

3 517) Defendants falsely portrayed Plaintiff as engaging in criminal activity; pointing the gun at Nuti,
4 or displaying the handgun; thus, violating the Arizona Revised Statutes, at the river area of S.R. 82,
5 the morning of July 7, 2012, as a major part of their strategy to show probable cause.

6 518) In Defendants motions in the District Court and briefs in the Ninth Circuit there were twenty-
7 four original and reduplicated quotes of violations of the Arizona Revised Statutes; all were based on
8 their false combining Nuti's two fabricated statements regarding what he said and wrote Plaintiff did
9 with a gun on the morning of July 7, 2012, at the river area of S.R. 82, into their single occurrence;
10 face-to-face encounter only between Plaintiff and Nuti. (Face-To-Face Encounter, pgs. 134-144)

11 519) The success of their frauds upon the Courts depended upon them convincing the Courts that
12 on the face of A-1 were the words describing Plaintiff committed crimes; so, they could argue there
13 was probable cause to believe Plaintiff committed crimes the morning of July 7, 2012, at the river area
14 of S.R. 82 and, specifically, Hadfield, Tasch, and Nuti were entitled to qualified immunity.

15 A - Pointed / Displayed Handgun - Safety - Probable Cause - Criminal Activity

16 520) Jellison knew or should have known, when he colluded/conspired with the other Defendants to
17 prepare, write, and file their false arguments in their motion to dismiss in District Court;

18 521) that all the elements of their following false arguments:

19 District Court - Defendants' Motion To Dismiss - December 13, 2013

20 In this case, when Plaintiff either pointed or displayed a handgun upon Deputy Nuti's inquiries
21 regarding Plaintiff's safety on the highway, there was, at least arguable probable cause for criminal
22 activity including A.R.S. §13-1203(A)(2)(assault), A.R.S. §13-1204(A)(2)(aggravated assault), A.R.S.
23 §13-1204(A)(8)(aggravated assault on a peace officer), A.R.S. §13-2904(A)(6)(disorderly conduct
through display of weapon). (Ex. A-2, Doc. 24, p. 13)

24 were in fact false;

25 1 - When Plaintiff Either Pointed Or Displayed A Handgun

26 522) that the first element of their preceding false argument:

27 Stand-Alone Claims: 29: §1983-(x7 Defs.), 30: §1985(3)-(x7 Defs.)

28 District Court Motion To Dismiss - December 13, 2013

In this case, when Plaintiff either pointed or displayed a handgun...; (Ex. A-2, Doc. 24, p. 13)

1 was in fact false;

2 523) that the words used, "In this case," referred to A-1;

3 524) that the words, "When Plaintiff either" were falsely used as a statement of fact, or Plaintiff did in
4 fact "either point or display a handgun;"

5 525) that their false argument, "when Plaintiff either pointed or displayed a handgun" was prepared
6 and written in their motion to dismiss in the District Court with full knowledge Plaintiff wrote on the face
7 of A-1 Nuti fabricated his two statements about what he said and wrote were Plaintiff's actions with a
8 gun;

9 526) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO
10 posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning
11 fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a
12 comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements;

13 Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

14 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
15 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence. (Ex.
16 A-1, p. 6, #31)

17 CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

18 On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their
19 Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

20 Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

21 On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same
22 occurrence in his report; (Ex. A-1, p. 6, #33)

23 This Is A Comparison Of Nuti's Two Fabricated Accounts

24 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
25 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

26 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

27 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
28 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol
vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

527) that reading Nuti's two above fabricated statements - Radio/Report; clearly written on the face

1 of A-1, Nuti's two statements revealed he fabricated evidence to frame Plaintiff for a crime he couldn't
 2 have been viewed as having committed, due to Nuti's two statements so contradicting each other that
 3 neither statement could be believed;

4 528) that Nuti said and wrote his two fabricated statements about the gun in two entirely different
 5 and contradictory statements;

6 529) that Nuti's statement Plaintiff pointed a gun at him was what Nuti said using CCSO's radio, and
 7 it occurred just after Nuti said he observed Plaintiff standing on the side of the road, and before Nuti
 8 said, when he "stopped his patrol vehicle and returned to the area, the man had fled into the desert;"
 9 and Nuti said he did not have any contact with Plaintiff on the highway; after Nuti said Plaintiff pointed
 10 a gun at him: Nuti "returned to the area, the man had fled into the desert:"

11 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

12 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 13 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 14 area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

15 530) that Nuti's claim he saw Plaintiff point the firearm toward the ground was what Nuti wrote in his
 16 river report about three hours after his 9:43 a.m. river radio transmissions the morning of July 7, 2012;
 17 so, Nuti's claim Plaintiff pointed the firearm at the ground, as written in the sequence of events on the
 18 face of A-1, was at the end of Nuti's description of the face-to-face encounter with Plaintiff;

19 Nuti's River Report - July 7, 2012 - 12:57 p.m.

20 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 21 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 22 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

23 531) that Nuti earlier said using CCSO's radio was not on S.R. 82 for there to have been a face-to-
 24 face encounter with; because "the man 'had' fled into the desert;" "Had;" a fact: "fled into the desert,"
 25 Nuti said using CCSO's radio was already accomplished before he returned to the area he said he
 26 just previously observed Plaintiff standing:

27 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

28 The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his
 patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, #'s 35,
 37)

532) that their false argument Plaintiff pointed or displayed a handgun, did not include any of the

1 details Plaintiff wrote on the face of A-1 about the fact Nuti fabricated his two statements concerning
 2 what he said and wrote were Plaintiff's actions with the gun the morning of July 7, 2012, at the river
 3 area of S.R. 82; therefore, it was in fact a false argument derived from their combining of Nuti's two
 4 fabricated statements concerning the gun into their false face-to-face encounter only between Plaintiff
 5 and Nuti. (Face-To-Face Encounter, pgs. 134-144)

6 2 - Upon Deputy Nuti Inquiries Regarding Plaintiff's Safety On The Highway

7 533) that the second element of their preceding false argument:

8 Stand-Alone Claims: 31: §1983-(x7 Defs.), 32: §1985(3)-(x7 Defs.)

9 District Court - Defendants' Motion to Dismiss - December 13, 2013

10 ...upon Deputy Nuti's inquiries regarding Plaintiff's safety on the highway... (Ex. A-2, Doc. 24, p. 13)

11 was in fact a false argument based on their false face-to-face encounter only arguments; (Face-To-
 12 Face Encounter, pgs. 134-144)

13 534) that Plaintiff wrote on the face of A-1 a comparison of Nuti's two fabricated statements about
 14 his observations of Plaintiff's location July 7, 2012, at the river area of S.R. 82:

15 This Is A Comparison Of Nuti's Two Fabricated Accounts

16 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

17 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

18 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 19 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

20 Nuti's River Report - July 7, 2012 - 12:57 p.m.

21 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 22 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

23 535) Radio: No longer on S.R. 82 for Nuti to have held a conversation with, "man 'Had' fled into the
 24 desert;"

25 536) Report: Still on S.R. 82 for Nuti to have held a conversation with, "I approached him within my
 26 patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car..."

27 537) that their false safety argument was derived from their intentional omission of the fifteen of the
 28 nineteen words, "Once the deputy stopped his patrol vehicle and returned to the area, the man had'

1 fled into the desert" to eliminate past tense "Had;" a fact: "fled into the desert," Nuti said using CCSO's
 2 radio was already an accomplished fact before he returned to the area he said he previously observed
 3 Plaintiff standing, to eliminate contradictions in Nuti's two fabricated statements, to create their false
 4 face-to-face encounter only argument. (Face-To-Face Encounter, pgs. 134-144)

5 3 - There Was, At Least, Arguable Probable Cause For Criminal Activity

6 538) that the third element of their preceding false argument,
 7 Stand-Alone Claims: 33: §1983-(x7 Defs.), 34: §1985(3)-(x7 Defs.)

8 District Court - Defendants' Motion to Dismiss - December 13, 2013

9 ...there was, at least, arguable probable cause for criminal activity... (Ex. A-2, Doc. 24, p. 13)

10 was in fact false;

11 539) that Plaintiff clearly wrote on the face of A-1 Nuti's two fabricated statements revealed there
 12 was no probable cause or arguable probable cause for criminal activity:

13 Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

14 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
 15 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-
 1, p. 6, #31)

16 CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

17 On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their
 Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

18 Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

19 On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same
 occurrence in his report; (Ex. A-1, p. 6, #33)

20 This Is A Comparison Of Nuti's Two Fabricated Accounts

21 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

22 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

23 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 24 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

25 Nuti's River Report - July 7, 2012 - 12:57 p.m.

26 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 27 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

28 540) that their omission of fifteen of nineteen words, "Once the deputy stopped his patrol vehicle

1 and returned to the area, the man had' fled into the desert," was to eliminate the contradictions in
 2 Nuti's two fabricated statements; so they could establish a false face-to-face encounter only between
 3 Plaintiff and Nuti; to enable them to falsely combine and to use Nuti's two fabricated statements about
 4 what he said and wrote were Plaintiff's actions with the gun the morning of July 7, 2012, at the river
 5 area of S.R. 82, as occurring during a face-to-face encounter; to falsely establish probable cause.

6 541) that Plaintiff clearly wrote on the face of A-1 words describing Nuti's two fabricated statements
 7 so contradicted each other, read together, they in no wise were the description of "Probable cause for
 8 criminal activity, to the contrary, written on the face of A-1 are the words that would lead a person to
 9 believe Nuti "Lied," when Nuti spoke and wrote what Plaintiff clearly identified on the face of A-1 as
 10 two fabricated statements:

11 This Is A Comparison Of Nuti's Two Fabricated Accounts

12 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

13 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

14 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 15 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

16 Nuti's River Report - July 7, 2012 - 12:57 p.m.

17 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 18 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

19 4 - Criminal Activity Including A.R.S. §13

20 542) that there were no Arizona Revised Statute violations;

21 543) that all their false arguments Plaintiff violated Arizona Revised Statutes were known at the time
 22 of preparing and writing them to be false arguments:

23 Stand-Alone Claims: 35: §1983-(x7 Defs.), 36: §1985(3)-(x7 Defs.)

24 District Court - Defendants' Motion to Dismiss - December 13, 2013

25 A.R.S. §13-1203(A)(2)(assault), (Ex. a-2, Doc. 24, p. 13)

26 Stand-Alone Claims: 37: §1983-(x7 Defs.), 38: §1985(3)-(x7 Defs.)

27 District Court - Defendants' Motion to Dismiss - December 13, 2013

28 A.R.S. §13-1204(A)(2)(aggravated assault), (Ex. A-2, Doc. 24, p. 13)

1 Stand-Alone Claims: 39: §1983-(x7 Defs.), 40: §1985(3)-(x7 Defs.)

2 District Court - Defendants' Motion to Dismiss - December 13, 2013
3 A.R.S. §13-1204(A)(8)(aggravated assault on a peace officer), (Ex. A-2, Doc. 24, p. 13)

4 Stand-Alone Claims: 41: §1983-(x7 Defs.), 42: §1985(3)-(x7 Defs.)

5 District Court - Defendants' Motion to Dismiss - December 13, 2013
6 A.R.S. §13-2904(A)(6)(disorderly conduct through display of weapon). (Ex. A-2, Doc. 24, p. 13)

7 544) that the totality of their above false Arizona Revised Statutes arguments were based upon their
8 omission of fifteen of nineteen words written clearly on the face of A-1: "Once the deputy stopped his
9 patrol vehicle and returned to the area, the man had," replaced with the words "and then" followed by
10 "fled into the desert:"

11 District Court - Defendants' Motion To Dismiss - December 13, 2013
12 Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff
13 as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then*
14 fled into the desert. (Ex. A-2, Doc. 24, p. 5)

15 Plaintiff alleges Deputy Nuti, in a report authored that day at 12:57 p.m., described his encounter
16 with Plaintiff earlier as one in which Plaintiff was walking on the white fog line, where Deputy Nuti
17 stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff
18 pointed a firearm toward the ground. (Ex. A-2, Doc. 24, p. 5)

19 545) that their above false Arizona Revised Statutes arguments were derived from their combining
20 of Nuti's two fabricated statements concerning what Nuti said and wrote were Plaintiff's actions with a
21 gun the morning of July 7, 2012, at the river area of S.R. 82 into one single occurrence; described in
22 their above false face-to-face encounter only arguments; (Face-To-Face Encounter, pgs. 134-144)

23 546) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO
24 posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning
25 fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a
26 comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements;

27 Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.
28 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-
1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.
On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their
Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

1 Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

2 On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same
3 occurrence in his report; (Ex. A-1, p. 6, #33)

4 This Is A Comparison Of Nuti's Two Fabricated Accounts

5 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
6 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

7 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

8 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
9 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
10 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

11 Nuti's River Report - July 7, 2012 - 12:57 p.m.

12 I observed a male subject walking directly on the white fog line. I approached him within my patrol
13 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
14 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

15 547) that clearly written on the face of A-1, as seen in the above quotes, were unmistakable words
16 describing Nuti fabricated both of his statements concerning what he said and wrote were Plaintiff's
17 actions with a gun at the river area of S.R. 82; the morning of July 7, 2012,

18 548) that reading the two above quotes from A-1 together, Radio/Report, there were no violations of
19 Arizona Revised Statutes, arguable probable cause for criminal activity; Nuti fabricated all evidence to
20 frame Plaintiff for the crimes he could not have been viewed as having committed, due to Nuti's two
21 statements so contradicting each other neither statement could be believed;

22 549) that the totality of the preceding false Arizona Revised Statute arguments were prepared and
23 written in spite of their undeniable knowledge of Nuti's two fabricated statements clearly written on the
24 face of A-1, i.e., what Nuti said using CCSO's radio, and later wrote in his report were Plaintiff's actions
25 with a gun at the river area of Hwy 82, the morning of July 7, 2012.

26 B - False Analysis - Fourteen Days Later

27 550) Jellison knew or should have known when he colluded/conspired with the other Defendants to
28 prepare, write, and file their false arguments in their reply in support of motion to dismiss in the District
Court;

551) that all the elements of their following false arguments:

District Court - Defendants' Reply In Support Of Motion To Dismiss - December 27, 2013

Plaintiff addresses Defendants' analysis of probable cause, or arguable probable cause, by baldly
asserting that "Plaintiff never committed a crime!" This statement, standing alone in the Response,

does not change the analysis that probable cause, or arguable probable cause, exists for violations of A.R.S. §13-1203(A)(2) (assault); A.R.S. §13-1204(A)(2) (aggravated assault); A.R.S. §13-1204(A)(8)(a) (aggravated assault on a peace officer); and/or A.R.S. §13-2904(A)(6) (disorderly conduct through display of weapon) regardless of whether Plaintiff pointed a gun at Deputy Nuti, or displayed a weapon in a potentially threatening manner during the encounter. (Ex. A-4, Doc. 28, p. 4)

were in fact false;

1 - Analysis That Probable Cause - Arguable Probable Cause, Exists

552) that their false analysis of probable cause:

Stand-Alone Claims: 43: §1983-(x7 Defs.), 44: §1985(3)-(x7 Defs.)

District Court - Defendants' Reply In Support Of Motion To Dismiss - December 27, 2013

Plaintiff addresses Defendants' analysis of probable cause, or arguable probable cause, by baldly asserting that "Plaintiff never committed a crime!" This statement, standing alone in the Response, does not change the "analysis" that probable cause, or arguable probable cause, exists... (Ex. A-4, Doc. 28, p. 4)

was derived from their false arguments; where they omitted from their false arguments fifteen of nineteen words written on the face of A-1, "Once the deputy stopped his patrol vehicle and returned to the area, the man had," replaced with the words "and then" followed by "fled into the desert:"

District Court - Defendants' Reply In Support Of Motion To Dismiss - December 27, 2013

Plaintiff does seem to dispute what his Second Amended Complaint [A-1] alleges concerning Deputy Nuti. On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio transmission, described the encounter as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert.

Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-4, Doc. 28, p. 3)

553) that they intentionally omitted the fifteen of nineteen words from their false analysis, "Once the deputy stopped his patrol vehicle and returned to the area, the man had' fled into the desert," so they could eliminate the contradictions in Nuti's two fabricated statements; enabling them to establish their false face-to-face encounter only between Plaintiff and Nuti; for the purposes of falsely combining and using Nuti's two fabricated statements about what he said and wrote were Plaintiff's actions with a gun, as occurring during a face-to-face encounter; to enable them to falsely establish probable cause;

1 (Face-To-Face Encounter, pgs. 134-144)

2 554) that Nuti said and wrote his two fabricated statements about the gun in two entirely different
3 and contradictory statements;

4 555) that Nuti's statement Plaintiff pointed the gun at him was what Nuti said using CCSO's radio,
5 and it occurred just after Nuti said he observed Plaintiff standing on the side of the road, and before
6 Nuti said, when he "stopped his patrol vehicle and returned to the area, the man had fled into the
7 desert;" and Nuti said he did not have any contact with Plaintiff on the highway; after Nuti said Plaintiff
8 pointed a gun at him: Nuti "returned to the area, the man had fled into the desert:"

9 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

10 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
11 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
12 area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

13 556) that Nuti's claim he saw Plaintiff point the firearm toward the ground was what Nuti wrote in his
14 river report about three hours after his 9:43 a.m. river radio transmissions the morning of July 7, 2012;
15 so, Nuti's claim Plaintiff pointed the firearm at the ground, as written in the sequence of events on the
16 face of A-1, was at the end of Nuti's description of the face-to-face encounter with Plaintiff;

17 Nuti's River Report - July 7, 2012 - 12:57 p.m.

18 I observed a male subject walking directly on the white fog line. I approached him within my patrol
19 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
20 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

21 557) that Nuti earlier said using CCSO's radio was not on S.R. 82 for there to have been a face-to-
22 face encounter with; because "the man 'had' fled into the desert;" "Had;" a fact: "fled into the desert,"
23 Nuti said using CCSO's radio was already accomplished before he returned to the area he said he
24 just previously observed Plaintiff standing:

25 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

26 The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his
27 patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, #'s 35,
28 37)

558) that Plaintiff clearly wrote on the face of A-1 words describing Nuti's two fabricated statements
so contradicted each other, that, read together, they in no wise revealed "Probable cause, or arguable
probable cause, exists;" to the contrary, written on the face of A-1 are the words that lead a person to

1 believe Nuti "Lied," when Nuti spoke and wrote two identified fabricated statements:

2 Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

3 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
4 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-
1, p. 6, #31)

5 CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

6 On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their
Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

7 Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

8 On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same
occurrence in his report; (Ex. A-1, p. 6, #33)

9 This Is A Comparison Of Nuti's Two Fabricated Accounts

10 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

11 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

12 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
13 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

14 Nuti's River Report - July 7, 2012 - 12:57 p.m.

15 I observed a male subject walking directly on the white fog line. I approached him within my patrol
vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
16 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

17 559) that when Plaintiff address[ed] Defendants' [false] "analysis," he did not badly assert he never
18 committed a crime;

19 District Court - Plaintiff's Response To Defendants' Motion To Dismiss - December 23, 2013

20 Plaintiff never committed a crime! (Ex. A-3, Doc. 26, p. 4, #17)

21 560) that it was Nuti's two fabricated statements-Radio/Report above, about what he said and wrote
22 happened at the river area of S.R. 82, the morning of July 7, 2012, clearly written on the face of A-1,
23 that defeated any / all of their arguments Plaintiff committed any crime;

24 561) that according to the aforementioned quotes from A-1, Nuti's two fabricated and contradictory
25 statements describing a single event revealed no probable cause / arguable probable cause, exists;

26 562) that written on the face of A-1 were the words describing Nuti fabricated both of his statements
27 concerning what he said and wrote were Plaintiff's actions with a gun at the river area of S.R. 82; the
28 morning of July 7, 2012;

2 - Violations Of A.R.S. §13

563) that there were no Arizona Revised Statute violations;

564) that all of their false arguments Plaintiff violated Arizona Revised Statutes were known at the time of preparing and writing them to be false arguments:

Stand-Alone Claims: 45: §1983-(x7 Defs.), 46: §1985(3)-(x7 Defs.)

District Court - Defendants' Reply In Support Of Motion To Dismiss - December 27, 2013
A.R.S. §13-1203(A)(2) (assault); (Ex. A-4, Doc 28, p. 4)

Stand-Alone Claims: 47: §1983-(x7 Defs.), 48: §1985(3)-(x7 Defs.)

District Court - Defendants' Reply In Support Of Motion To Dismiss - December 27, 2013
A.R.S. §13-1204(A)(2) (aggravated assault); (Ex. A-4, Doc. 28, p. 4)

Stand-Alone Claims: 49: §1983-(x7 Defs.), 50: §1985(3)-(x7 Defs.)

District Court - Defendants' Reply In Support Of Motion To Dismiss - December 27, 2013
A.R.S. §13-1204(A)(8)(a) (aggravated assault on a peace officer); and/or (Ex. A-4, Doc. 28, p. 4)
Stand-Alone Claims: 51: §1983-(x7 Defs.), 52: §1985(3)-(x7 Defs.)

District Court - Defendants' Reply In Support Of Motion To Dismiss - December 27, 2013
A.R.S. §13-2904(A)(6) (disorderly conduct through display of weapon) regardless of whether Plaintiff pointed a gun at Deputy Nuti, or displayed a weapon in a potentially threatening manner during the encounter. (Ex. A-4, Doc. 28, p. 4)

565) that the preceding false Arizona Revised Statute arguments were based upon their omission of fifteen of nineteen words written on the face of A-1: "Once the deputy stopped his patrol vehicle and returned to the area, the man had' fled into the desert, replaced with "and then:"

District Court - Defendants' Motion In Support Of Motion To Dismiss - December 27, 2013
Plaintiff does seem to dispute what his Second Amended Complaint alleges concerning Deputy Nuti. On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio transmission, described the encounter as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert.
Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-4, Doc. 28, p. 3)

566) that their above false "analysis of probable cause" was from their removal of fifteen of the

1 nineteen words, "Once the deputy stopped his patrol vehicle and returned to the area, the man had'
 2 fled into the desert;" their combining of Nuti's two fabricated statements concerning what he said and
 3 wrote were Plaintiff's actions with a gun the morning of July 7, 2012, at the river area of Hwy 82 into a
 4 single event, as described in their above false face-to-face encounter only argument; which is seen in
 5 the use of their word "encounter:" "regardless of whether Plaintiff pointed a gun at Deputy Nuti, or
 6 displayed a weapon in a potentially threatening manner during the 'encounter;'" which they used in the
 7 "singular;" while knowing Nuti fabricated two "encounters - Radio / Report;" in the plural;

8 567) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO
 9 posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning
 10 fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a
 11 comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements;

12 Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

13 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
 14 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-
 1, p. 6, #31)

15 CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

16 On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their
 Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

17 Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

18 On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same
 occurrence in his report; (Ex. A-1, p. 6, #33)

19 This Is A Comparison Of Nuti's Two Fabricated Accounts

20 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

21 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

22 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 23 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

24 Nuti's River Report - July 7, 2012 - 12:57 p.m.

25 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 26 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

27 568) that clearly written on the face of A-1, as seen in the above quotes, were unmistakable words
 28 describing Nuti fabricated both his statements concerning what he claimed were Plaintiff's actions with

1 a gun at the river area of S.R. 82; the morning of July 7, 2012;

2 569) that Nuti's two fabricated statements - Radio / Report, written on the face of A-1, revealed Nuti
3 fabricated evidence to frame Plaintiff for a crime he could not have been viewed as having committed,
4 due to Nuti's two statements so contradicting each other that neither statement could be believed;

5 570) that reading the two above quotes from A-1 together, Radio / Report, there were no violations
6 of Arizona Revised Statutes; probable cause / arguable probable cause; Nuti fabricated evidence to
7 frame Plaintiff for the crimes he could not have been viewed as having committed;

8 571) that the totality of the preceding false Arizona Revised Statute arguments were prepared and
9 written in spite of their undeniable knowledge of Nuti's two fabricated statements clearly written on the
10 face of A-1, i.e., what Nuti said and wrote were Plaintiff's actions with a gun at the river area of S.R.
11 82, the morning of July 7, 2012;

12 3 - Whether Plaintiff Pointed Gun/Displayed Weapon During Encounter

13 572) that the third element of their preceding false argument:

14 Stand-Alone Claims: 53: §1983-(x7 Defs.), 54: §1985(3)-(x7 Defs.)

15 District Court - Defendants Reply In Support Of Motion To Dismiss - December 27, 2013

16 ...regardless of whether Plaintiff pointed a gun at Deputy Nuti, or displayed a weapon in a potentially
17 threatening manner during the encounter. (Ex. A-4, Doc 28, p. 4)

18 was in fact false

19 573) that the words "Whether Plaintiff pointed a gun/displayed a weapon" were used as a statement
20 of fact, or Plaintiff did in fact "point a gun or display a weapon," their statement of false facts were not
21 supported by what Plaintiff wrote on the face of A-1;

22 574) that Plaintiff clearly identified Nuti's two fabricated statements concerning what he said and
23 wrote were Plaintiff actions with a gun the morning of July 7, 2012, at the river area of S.R. 82 as both
24 being fabricated:

25 This Is A Comparison Of Nuti's Two Fabricated Accounts

26 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
27 morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, #34)

28 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

Deputy Advised that the male subject pointed the weapon at him; (Ex. A-1, p. 7, # 39)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 38)

1 575) that Nuti said and wrote his two fabricated statements regarding the gun in two entirely different
2 and contradictory statements;

3 576) that Nuti's statement Plaintiff pointed a gun at him was what Nuti said using CCSO's radio, and
4 it occurred just after Nuti said he observed Plaintiff standing on the side of the road, and before Nuti
5 said, when he "stopped his patrol vehicle and returned to the area, the man had fled into the desert;"
6 and Nuti said he did not have any contact with Plaintiff on S.R. 82; after Nuti said Plaintiff pointed a
7 gun at him: Nuti "returned to the area, the man had fled into the desert:"

8 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

9 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
10 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
11 area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

12 577) that Nuti's claim he saw Plaintiff point the firearm toward the ground was what Nuti wrote in his
13 river report about three hours after his 9:43 a.m. river radio transmissions the morning of July 7, 2012;
14 Nuti's claim Plaintiff pointed the firearm at the ground, as written in the sequence of events on the face
15 of A-1, was at the end of Nuti's description of a face-to-face encounter with Plaintiff;

16 Nuti's River Report - July 7, 2012 - 12:57 p.m.

17 I observed a male subject walking directly on the white fog line. I approached him within my patrol
18 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
19 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

20 578) that Nuti earlier said using CCSO's radio was not on S.R. 82 for there to have been a
21 face-to-face encounter with; because "the man 'had' fled into the desert;" "Had;" a fact: "fled into
22 the desert," Nuti said using CCSO's radio was already accomplished before he returned to the
23 area he said he just previously observed Plaintiff standing:

24 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

25 The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his
26 patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, #s 35,
27 37)

28 579) that their word encounter was used in the singular, and it was consistent with their false face-
to-face encounter only arguments; (Face-To-Face Encounter, pgs. 133-144), when clearly written on
the face of A-1 were the words describing Nuti fabricated two encounters, in the plural:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

C - Pointed Or Displayed Gun / Safety / Probable Cause / Criminal Activity - A.R.S. §13

580) Jellison, knew or should have known, when he colluded/conspired with the other Defendants to prepare, write, and file their false arguments in their opening brief in the Ninth Circuit:

581) that all the elements in their following false arguments:

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

In this case, when Plaintiff either pointed or displayed a handgun upon Deputy Nuti's inquiries regarding Plaintiff's safety on the highway, there was, at least, arguable probable cause for criminal activity including A.R.S. §13- 1203(A)(2) (assault); A.R.S. §13-1204(A)(2) (aggravated assault); A.R.S. §13- 1204(A)(8)(a) (aggravated assault on a peace officer); and A.R.S. §13-2904(A)(6) (disorderly conduct through display of weapon). Probable cause for an arrest on these offenses applies regardless of whether Plaintiff *pointed* [Defendants emphasized "pointed" in italics] a gun at Deputy Nuti, or *displayed* [Defendants emphasized "displayed" in italics] a weapon in a potentially threatening manner during the encounter. (Ex. A-5, DktEntry 5-1, p. 40-41) (Emphasis Added)

were in fact false;

1 - Plaintiff Either Pointed Or Displayed A Handgun

582) that the first element of their preceding false arguments:

Stand-Alone Claims: 55: §1983-(x7 Defs.), 56: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

In this case, when Plaintiff either pointed or displayed a handgun...; (Ex. A-5, DktEntry 5-1, p. 40-41)

were in fact false;

583) that the words, "In this case," were used for a second time, eight months apart, first in the District Court December 13, 2013 (p. 145-above), then in the Ninth Circuit August 13, 2014 and, since there was only one case before the Courts, "In this case" referred to A-1;

584) that the words, "When Plaintiff either" were used for a second time, eight months apart, first in the District Court - December 13, 2013 (p. 150-above), then in the Ninth Circuit - August 14, 2014, as a statement of fact, or Plaintiff did in fact "either:" one or the other of the described actions: "pointed or

1 displayed a handgun;"

2 585) that the above was written with full knowledge Plaintiff wrote on the face of A-1 Nuti fabricated
3 his two statements concerning what he said and wrote were Plaintiff's actions with the gun;

4 586) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO
5 posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning
6 fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a
7 comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements;

8 Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

9 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
10 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-
11 1, p. 6, #31)

12 CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

13 On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their
14 Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

15 Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

16 On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same
17 occurrence in his report; (Ex. A-1, p. 6, #33)

18 This Is A Comparison Of Nuti's Two Fabricated Accounts

19 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
20 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

21 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

22 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
23 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
24 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

25 Nuti's River Report - July 7, 2012 - 12:57 p.m.

26 I observed a male subject walking directly on the white fog line. I approached him within my patrol
27 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
28 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

587) that reading Nuti's two above fabricated statements - Radio / Report; clearly written on the face
of A-1, Nuti's two statements revealed he fabricated evidence to frame Plaintiff for a crime he couldn't
have been viewed as having committed, due to Nuti's two statements so contradicting each other that
neither statement could be believed;

588) that the preceding false argument, "when Plaintiff either pointed or displayed a handgun" was
prepared and written with full knowledge written on the face of A-1 Nuti fabricated his two statements

1 concerning what he said and wrote were Plaintiff's actions with a gun;

2 589) that Nuti described his two fabricated statements about the gun in two entirely different and
3 contradictory statements;

4 590) that Nuti's statement Plaintiff pointed the gun at him was what Nuti said using CCSO's radio,
5 and it occurred following Nuti saying he observed Plaintiff standing on the side of the road, and before
6 Nuti said, when he "stopped his patrol vehicle and returned to the area, the man had fled into the
7 desert;" and that Nuti said he did not have any contact with Plaintiff on S.R. 82; after Nuti said Plaintiff
8 pointed a gun at him: Nuti "returned to the area, the man had fled into the desert:"

9 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

10 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
11 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
12 area, the man had fled into the desert, (Ex. A-1, pgs. 6-7, # 35, 39, 37)

13 591) that Nuti's claim he saw Plaintiff point a firearm toward the ground was what Nuti wrote in his
14 river report about three hours after his 9:43 a.m. river radio transmissions the morning of July 7, 2012;
15 Nuti's claim Plaintiff pointed the firearm at the ground, as written in the sequence of events on the face
16 of A-1, was at the end of Nuti's described face-to-face encounter with Plaintiff;

17 Nuti's River Report - July 7, 2012 - 12:57 p.m.

18 I observed a male subject walking directly on the white fog line. I approached him within my patrol
19 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
20 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

21 592) that Nuti earlier said using CCSO's radio was not on S.R. 82 for there to have been a face-to-
22 face encounter with; because "the man 'had' fled into the desert;" "Had;" a fact: "fled into the desert,"
23 Nuti said using CCSO's radio was already accomplished before he returned to the area he said he
24 just previously observed Plaintiff standing:

25 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

26 The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his
27 patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, #'s 35,
28 37)

2 - Upon Deputy Nuti Inquiries Regarding Plaintiff's Safety On The Highway

593) that the second element of their preceding false argument:

Stand-Alone Claims: 57: §1983-(x7 Defs.), 58: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

..upon Deputy Nuti's inquiries regarding Plaintiff's safety on the highway..(Ex. A-5, DktEntry 5-1, p. 40-41)

594) was in fact false; used for a second time, eight months apart, first in District Court - December 13, 2013 (pgs. 152-153 above), then in Ninth Circuit - August 13, 2014 and was based on their false face-to-face encounter only arguments, (Face-To-Face Encounter, pgs. 134-144)

595) that Plaintiff clearly wrote and identified on the face of A-1 a comparison of Nuti's two fabricated accounts concerning his observations of Plaintiff's location on July 7, 2012, at the river area of S.R. 82:

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

596) Radio: No longer on the highway for Nuti to have held a conversation with, "man 'Had' fled into the desert;"

597) Report: Still on the highway for Nuti to have held a conversation with, "I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car..."

598) that their preceding false safety argument was derived from their omission of fifteen of nineteen words, "Once the deputy stopped his patrol vehicle and returned to the area, the man had' fled into he desert" to eliminate past tense "Had;" a fact: "fled into the desert," Nuti said using CCSO's radio was already accomplished before he returned to the area he said he just previously observed Plaintiff standing, to create their false face-to-face encounter only arguments. (Face-To-Face Encounter, pgs. 134-144)

3 - There Was, At Least, Arguable Probable Cause For Criminal Activity

599) that the third element of their preceding false argument:

1 Stand-Alone Claims: 59: §1983-(x7 Defs.), 60: §1985(3)-(x7 Defs.)

2 Ninth Circuit - Opening Brief - August 13, 2014

3 ...there was, at least, arguable probable cause for criminal activity...(Ex. A-5, DktEntry 5-1, p. 40-41)

4 was in fact false;

5 600) that their words, "there was, at least, arguable probable cause for criminal activity" were used
6 again for a second time, eight months apart, first in District Court - December 13, 2013 (pgs. 153-155-
7 above), then in the Ninth Circuit - August 14, 2014;

8 601) that Plaintiff wrote on the face of A-1 a comparison of Nuti's two fabricated accounts revealing
9 there was no arguable probable cause for criminal activity:

10 Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

11 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
12 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence. (Ex. A-
1, p. 6, #31)

13 CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

14 On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their
Facebook page. (Ex. A-1, p. 6, #32)

15 Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

16 On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same
occurrence in his report. (Ex. A-1, p. 6, #33)

17 This Is A Comparison Of Nuti's Two Fabricated Accounts

18 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, #34)

19 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

20 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
21 area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 39, 37)

22 Nuti's River Report - July 7, 2012 - 12:57 p.m.

23 I observed a male subject walking directly on the white fog line. I approached him within my patrol
vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

24 602) that they omitted fifteen of nineteen words, "Once the deputy stopped his patrol vehicle and
25 returned to the area, the man had' fled into the desert," to eliminate the contradictions in Nuti's two
26 fabricated statements; to establish their false face-to-face encounter only between Plaintiff and Nuti;
27 to falsely combine and to use Nuti's two fabricated statements regarding what he said and wrote were
28 Plaintiff's actions with a gun the morning of July 7, 2012, at the river area of S.R. 82, as occurring

1 during a face-to-face encounter; to falsely establish "at least, arguable probable cause for criminal
2 activity;"

3 603) that Plaintiff wrote on the face of A-1 the words describing Nuti's two fabricated statements so
4 contradict each other, read together, they in no wise revealed "there was, at least, arguable probable
5 cause for criminal activity," to the contrary, Plaintiff wrote the words on the face of A-1 that would lead

6 604) a person to believe Nuti "Lied," when Nuti spoke and wrote what was identified on the face of
7 A-1 as two fabricated statements:

8 This Is A Comparison Of Nuti's Two Fabricated Accounts

9 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
10 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

11 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

12 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
13 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
14 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

15 Nuti's River Report - July 7, 2012 - 12:57 p.m.

16 I observed a male subject walking directly on the white fog line. I approached him within my patrol
17 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
18 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

19 4 - Criminal Activity Including A.R.S. §13

20 605) that there were no Arizona Revised Statute violations;

21 606) that all of their false arguments Plaintiff violated Arizona Revised Statutes were known at the
22 time of preparing and writing them to be false arguments:

23 Stand-Alone Claims: 61: §1983-(x7 Defs.), 62: §1985(3)-(x7 Defs.)

24 Ninth Circuit - Defendants-Appellant's Opening Brief - August 13, 2014

25 A.R.S. §13- 1203(A)(2) (assault); (Ex. A-5, DktEntry 5-1, p. 40-41)

26 Stand-Alone Claims: 63: §1983-(x7 Defs.), 64: §1985(3)-(x7 Defs.)

27 Ninth Circuit - Defendants-Appellant's Opening Brief - August 13, 2014

28 A.R.S. §13-1204(A)(2) (aggravated assault); (Ex. A-5, DktEntry 5-1, p. 40-41)

Stand-Alone Claims: 65: §1983-(x7 Defs.), 66: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Opening Brief - August 13, 2014

A.R.S. §13- 1204(A)(8)(a) (aggravated assault on a peace officer); and (Ex. A-5, DktEntry 5-1, p. 40-41)

1 Stand-Alone Claims: 67: §1983-(x7 Defs.), 68: §1985(3)-(x7 Defs.)

2 Ninth Circuit - Defendants-Appellant's Opening Brief - August 13, 2014

3 A.R.S. §13-2904(A)(6) (disorderly conduct through display of weapon). Probable cause for an arrest
4 on these offenses applies regardless of whether Plaintiff *pointed* [Emphasis in *italics* used in
5 argument] a gun at Deputy Nuti, or *displayed* [Emphasis in *italics* used in argument] a weapon in a
6 potentially threatening manner during the encounter; (Encounter: used in the singular, when Nuti
described two different Encounters). (Ex. A-5, DktEntry: 5-1 pgs. 40-41) [Emphasis Added]

7 607) that eight months after first writing the above A.R.S. §13-2904(A)(6) in the District Court on
8 December 13, 2013 (p. 155), words were added and italics was used to emphasize Plaintiff committed
9 crimes / there was probable cause to believe Plaintiff *pointed* or *displayed* a weapon in a potentially
10 threatening manner during the encounter;

11 608) that their emphasis in italics was to draw the reader's attention to two false words, "*pointed and*
12 *displayed*," which were followed by descriptions of how each word was falsely used;

13 609) Plaintiff *pointed* a gun at Deputy Nuti;

14 610) or *displayed* a weapon in a potentially threatening manner during the encounter;

15 611) that the above word "encounter;" was used in the singular, and it was written to emphasize in
16 the readers' minds one encounter, or as explained above, a false face-to-face encounter only between
17 Plaintiff and Nuti the morning of July 7, 2012, at the river area of S.R. 82 (Face-To-Face Encounter,
18 pgs. 134-144), knowing Plaintiff wrote and identified Nuti's two described fabricated encounters; in the
19 plural:

20 This Is A Comparison Of Nuti's Two Fabricated Accounts

21 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
22 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

23 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

24 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
25 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
26 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

27 Nuti's River Report - July 7, 2012 - 12:57 p.m.

28 I observed a male subject walking directly on the white fog line. I approached him within my patrol
vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

612) that their false Arizona Revised Statutes arguments were based upon the omission of fifteen of

1 nineteen words; Plaintiff wrote on the face of A-1: "Once the deputy stopped his patrol vehicle and
 2 returned to the area, the man had," which they replaced with the words "and then" followed by "fled
 3 into the desert, to eliminate contradictions in Nuti's two fabricated statements in two false arguments
 4 in their opening brief in the Ninth Circuit:

5 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

6 Vierra alleges Deputy Nuti in a 9:43 a.m. radio transmission described his encounter with Vierra as
 7 one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled
 8 into the desert.

9 Plaintiff alleges Deputy Nuti, in a report authored later that day at 12:57 p.m., described his
 10 encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where
 11 Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and
 12 where Plaintiff pointed a firearm toward the ground. (Ex. A-5 DktEntry 5-1 p. 6)

13 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

14 On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio
 15 transmission, described the encounter as one of a male subject standing on the side of the road,
 16 who pointed a weapon at him, *and then* fled into the desert.

17 Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with
 18 Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated
 19 to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed
 20 a firearm toward the ground. (Ex. A-5, DktEntry 5-1, pgs. 34-35)

21 613) that the above false Arizona Revised Statutes arguments were derived from their combining of
 22 Nuti's two fabricated statements concerning what Nuti said and wrote were Plaintiff's actions with a
 23 gun the morning of July 7, 2012, at the river area of S.R. 82 into one single occurrence, as described
 24 in the above (Face-To-Face Encounter, pgs. 133-144),

25 614) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO
 26 posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning
 27 fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a
 28 comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-
 1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their
 Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

615) that clearly written on the face of A-1, as seen in the above quotes, were unmistakable words describing Nuti fabricated both his statements about what he said and wrote were Plaintiff's actions with the gun at the river area of S.R. 82; the morning of July 7, 2012;

616) that Nuti's two fabricated statements - Radio/Report, clearly written on the face of A-1, without a doubt, revealed Nuti fabricated evidence to frame Plaintiff for a crime he couldn't have been viewed as having committed, due to Nuti's two statements so contradicting each other that neither statement could be believed;

617) that reading the two above quotes from A-1 together-Radio/Report, there were no violations of Arizona Revised Statutes, nor was there "at least, arguable probable cause for criminal activity," because Nuti fabricated evidence to frame Plaintiff for a crime he could not have been viewed as having committed, due to Nuti's two statements so contradicting each other neither statement could be believed;

618) that all of their false arguments using Arizona Revised Statutes were written in spite of their undeniable knowledge of Nuti's two fabricated statements written on the face of A-1 concerning what Nuti said and wrote were Plaintiff's actions with a gun the morning of July 7, 2012, at the river area of S.R. 82.

D - Only Two Versions - Neither Actions Legal - No
Alternative View - Criminal Activity: A.R.S. §13

619) Jellison knew or should have known, when he colluded/conspired with the other Defendants to prepare, write, and file their false arguments in their reply brief in the Ninth Circuit;

620) that all the elements of the following false arguments:

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

Vierra's Complaint [A-1] alleges only that Nuti provided two versions - one that Vierra pointed a weapon at him; and the other that during the encounter with Nuti, Vierra took his gun from his waistband and pointed the weapon at the ground. Neither of Vierra's alleged actions are legal, and Vierra's Complaint does not allege an alternative view of the facts. A.R.S §13-1203(A)(2) defines the crime of assault as the "[i]ntentionally placing [of] another person in reasonable apprehension of imminent physical injury." A.R.S §13-1204(A)(2) provides the crime is aggravated assault if the person commits assault as prescribed by §13-1203 using "a deadly weapon or dangerous instrument." A.R.S §13-1204(A)(8)(a) also renders a §13-1203 assault aggravated if committed on a peace officer engaged in the execution of his duties. By July 7-9, 2012, Arizona courts had ruled that a suspect may commit criminal assault under A.R.S §13-1203(A)(2) and A.R.S §13-1204(A)(2) on a police officer by displaying a weapon in such a way as to result in reasonable apprehension of imminent physical injury. *State v. Angle*, 149 Ariz. 499, 502-504, 720 P.2d 100, 103-105 (App. 1985), adopting the rule quoted and reversing on other grounds, 149 Ariz. 478, 720 P.2d 79 (Ariz. 1986). A.R.S. §13-2904(A)(6) make disorderly conduct a crime through the reckless display of a weapon. In short, in Arizona it is criminal conduct to point or display a deadly weapon at a law enforcement officer in the execution of their duties without there being a lawful justification to do so. Accordingly, Vierra's conduct, in either of the two forms alleged in his Complaint, provides probable cause, and certainly arguable probable cause... (Ex. A-7, DktEntry 15, p. 5-6)

were in fact false;

1 - Vierra's Complaint [A-1] Alleges Only that Nuti Provided Two Versions

621) that the first element of their preceding false arguments:

Stand-Alone Claims: 69: §1983-(x7 Defs.), 70: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

Vierra's Complaint alleges only that Nuti provided two versions - one that Vierra pointed a weapon at him; and the other that during the encounter with Nuti, Vierra took his gun from his waistband and pointed the weapon at the ground; (Ex. A-7, DktEntry 15, p. 5-6)

were in fact false;

622) that, while the first sentence regarding what was written on the face of A-1; about what Nuti said and wrote were Plaintiff's actions with a gun were a true writing of what Plaintiff wrote on the face of A-1:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

1 Deputy Advised that the male subject pointed the weapon at him. (Ex. A-1, p. 6-7, # 39)

2 Nuti's Report - July 7, 2012 - 12:57 p.m.

3 I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 40)

4 623) their false argument, where they isolated Nuti's two fabricated statements about what he said
5 and wrote were Plaintiff's actions with a gun; "Vierra's Complaint [A-1] alleges only that Nuti provided
6 two versions - one that Vierra pointed a weapon at him; and the other that during the encounter with
7 Nuti, Vierra took his gun from his waistband and pointed the weapon at the ground," was derived from
8 their false combining of Nuti's two fabricated statements about what he said and wrote were Plaintiff's

9 624) actions with the gun the morning of July 7, 2012, at the river area of S.R. 82, into a single
10 occurrence; the false face-to-face encounter only between Plaintiff and Nuti; (Face-To-Face
11 Encounter, pgs. 134-144)

12 625) which is seen in their use of the word "encounter" in the singular, when Nuti described two
13 fabricated encounters, in the plural:

14 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

15 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
16 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
17 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

18 Nuti's River Report - July 7, 2012 - 12:57 p.m.

19 I observed a male subject walking directly on the white fog line. I approached him within my patrol
20 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
21 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

22 626) that Nuti said and wrote his two fabricated statements about the gun in two entirely different
23 and contradictory statements;

24 627) that Nuti's statement Plaintiff pointed the gun at him was what Nuti said using CCSO's radio,
25 and it occurred just after Nuti said he observed Plaintiff standing on the side of the road, and before
26 Nuti said, when he "stopped his patrol vehicle and returned to the area, the man had fled into the
27 desert;" and that Nuti said he did not have any contact with Plaintiff on S.R. 82; after Nuti said Plaintiff
28 pointed a gun at him: Nuti "returned to the area, the man had fled into the desert."

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
area, the man had fled into the desert, (Ex. A-1, pgs. 6-7, # 35, 39, 37)

628) that Nuti's claim he saw Plaintiff point the firearm toward the ground was what Nuti wrote in his river report about three hours after his 9:43 a.m. river radio transmissions the morning of July 7, 2012; so, Nuti's claim Plaintiff pointed the firearm at the ground, as written in the sequence of events on the face of A-1, was at the end of Nuti's described face-to-face encounter with Plaintiff;

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

629) that Nuti earlier said using CCSO's radio was not on S.R. 82 for there to have been a face-to-face encounter with; because "the man 'had' fled into the desert;" "Had;" a fact: "fled into the desert," Nuti said using CCSO's radio was already accomplished before he returned to the area he said he just previously observed Plaintiff standing:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, (Ex. A-1, pgs. 6-7, #'s 35, 37)

630) that the above false argument was used as the preface for the following false arguments; for, Plaintiff did not "only" provide Nuti's two versions about what he said and wrote were Plaintiff's actions with the gun the morning of July 7, 2012, at the river area of S.R. 82; Plaintiff revealed Nuti fabricated his two statements regarding the gun in the clearest language;

631) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements;

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-6, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

1 This Is A Comparison Of Nuti's Two Fabricated Accounts

2 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

3 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

4 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

6 Nuti's River Report - July 7, 2012 - 12:57 p.m.

7 I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

9 2 - Neither Of Vierra's Alleged Actions Are Legal

10 632) that the second element of their false arguments:"

11 Stand-Alone Claims: 71: §1983-(x7 Defs.), 72: §1985(3)-(x7 Defs.)

12 Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

13 Vierra's Complaint [A-1] alleges only that Nuti provided two versions – one that Vierra pointed a weapon at him; and the other that during the encounter with Nuti, Vierra took his gun from his waistband and pointed the weapon at the ground. *Neither of Vierra's alleged actions are legal...*; (Ex. A-7, DktEntry 15, p. 5-6)

16 were in fact false and based on their two aforementioned out of context uses of Nuti's claim Plaintiff pointed a gun at him or at the ground, while knowing Plaintiff specifically wrote on the face of A-1 Nuti fabricated those two accounts of what he said and wrote concerning the gun:

19 This Is A Comparison Of Nuti's Two Fabricated Accounts

20 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, #34)

21 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

22 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, and (Ex. A-1, p. 7, # 39)

24 Nuti's River Report - July 7, 2012 - 12:57 p.m.

25 I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

27 633) that Plaintiff wrote on the face of A-1, as seen in the above quotes, the unmistakable words
28 describing Nuti's two fabricated statements, regarding what he said and wrote were Plaintiff's actions

1 with the gun at the river area of S.R. 82; the morning of July 7, 2012, were "Fabricated;"

2 634) that Nuti's two fabricated statements-Radio / Report, clearly written on the face of A-1, without
3 question revealed Nuti fabricated evidence to frame Plaintiff for a crime he couldn't have been viewed
4 as having committed, due to Nuti's two statements so contradicting each other that neither statement
5 could be believed; therefore, A-1 could not have been said to have revealed Plaintiff engaged in illegal
6 activities of "any" kind;

7 3 - Vierra's Complaint Does Not Allege An Alternative View Of The Facts

8 635) that the third element of their false arguments:

9 Stand-Alone Claims: 73: §1983-(x7 Defs.), 74: §1985(3)-(x7 Defs.)

10 Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

11 ...Vierra's Complaint [A-1] does not allege an alternative view of the facts, (Ex. A-7, DktEntry 15, p.
12 5-6)

12 were in fact false;

13 636) that Plaintiff did provide an alternative view of their false facts concerning pointing a weapon at
14 Nuti or at the ground, during a single encounter;

15 637) that Plaintiff wrote in on the face of A-1, Nuti fabricated the two accounts of what he said and
16 wrote were Plaintiff's actions with a gun the morning of July 7, 2012, at the river area of S.R. 82, and it
17 was followed by Nuti's two fabricated statements: Radio/Report. for this reason, "Vierra's Complaint
18 [A-1] [Did] allege an alternative view of the[ir false] facts;" on the face of A-1:

19 This Is A Comparison Of Nuti's Two Fabricated Accounts

20 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
21 morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, #34)

22 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

23 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
24 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
25 area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 39, 37)

26 Nuti's River Report - July 7, 2012 - 12:57 p.m.

27 I observed a male subject walking directly on the white fog line. I approached him within my patrol
28 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

4 - Vierra Conduct, In Either Of The Two Forms, Alleged In Complaint [A-1]

638) that the fourth element of their false arguments:

1 Stand-Alone Claims: 75: §1983-(x7 Defs.), 76: §1985(3)-(x7 Defs.)

2 Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

3 Vierra's Complaint [A-1] alleges only that Nuti provided two versions – one that Vierra pointed a
4 weapon at him; and the other that during the encounter with Nuti, Vierra took his gun from his
5 waistband and pointed the weapon at the ground... *Vierra's conduct, in either of the two forms alleged*
in his Complaint [A-1]...; (Ex. A-7, DktEntry 15, p. 5-6)

6 were in fact false and based on their two aforementioned out of context uses of Nuti's two fabricated
7 statements Plaintiff pointed a gun at him or at the ground during a single encounter, while knowing
8 Plaintiff wrote and identified on the face of A-1 Nuti fabricated those two accounts of what he said and
9 wrote in his described "two contradictory encounters" concerning the gun:

10 This Is A Comparison Of Nuti's Two Fabricated Accounts

11 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
12 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

13 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

14 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
15 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
16 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

17 Nuti's River Report - July 7, 2012 - 12:57 p.m.

18 I observed a male subject walking directly on the white fog line. I approached him within my patrol
19 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
20 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

21 639) that Plaintiff wrote on the face of A-1, as seen in the above quotes, the unmistakable words
22 describing Nuti fabricated both of his statements concerning what he said and wrote were Plaintiff's
23 actions with a gun at the river area of S.R. 82; the morning of July 7, 2012;

24 640) that Nuti said and wrote his two fabricated statements about the gun in two entirely different
25 and contradictory statements;

26 641) that Nuti's statement Plaintiff pointed the gun at him was what Nuti said using CCSO's radio,
27 and it occurred just after Nuti said he observed Plaintiff standing on the side of the road, and before
28 Nuti said, when he "stopped his patrol vehicle and returned to the area, the man had fled into the
desert;" and that Nuti said he did not have any contact with Plaintiff on S.R. 82, after Nuti said Plaintiff
pointed the gun at him: Nuti "returned to the area, the man had fled into the desert:"

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

1 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 2 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 3 area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

4 642) that Nuti's claim he saw Plaintiff point the firearm toward the ground was what Nuti wrote in his
 5 river report about three hours after his 9:43 a.m. river radio transmissions the morning of July 7, 2012;
 6 so, Nuti's claim Plaintiff pointed the firearm at the ground, as written in the sequence of events on the
 7 face of A-1, was at the end of Nuti's described face-to-face encounter with Plaintiff;

8 Nuti's River Report - July 7, 2012 - 12:57 p.m.

9 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 10 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

11 643) that Nuti earlier said using CCSO's radio was "not on the highway" for him to have had the
 12 face-to-face encounter with; because "the man 'had' fled into the desert;" "Had;" a fact: "fled into the
 13 desert," Nuti said using CCSO's radio was already accomplished before he returned to the area he
 14 said he just previously observed Plaintiff standing:

15 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

16 The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his
 17 patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, #s 35,
 39)

18 644) that Nuti's two fabricated statements - Radio/Report, clearly written on the face of A-1, without
 19 a doubt, revealed Nuti fabricated evidence to frame Plaintiff for a crime he couldn't have been viewed
 20 as having committed, due to Nuti's two statements so contradicting each other that neither statement
 21 could be believed;

22 645) that the words, "Vierra's conduct, in either of the two forms alleged in his Complaint [A-1];"
 23 meaning pointing the gun at Nuti or pointing it at the ground, was written as a false statement of fact,
 24 or as Plaintiff actually did point the gun at Nuti or at the ground, while knowing their false statement of
 25 fact was not supported by what Plaintiff wrote on the face of A-1, as noted above;

26 5 - Provides Probable Cause Arguable Probable Cause

27 646) that the fifth element in their false arguments:

28 Stand-Alone Claims: 77: §1983-(x7 Defs.), 78: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

...Vierra's conduct...provides probable cause, and certainly arguable probable cause; (Ex. A-7, DktEntry 15, p. 5-6)

were in fact false;

647) that they omitted fifteen of nineteen words, "Once the deputy stopped his patrol vehicle and returned to the area, the man had' fled into the desert," to eliminate "Had;" a fact: "fled into the desert," Nuti said using CCSO's radio was already accomplished before he returned to the area he said he previously observed Plaintiff standing; to eliminate contradictions in Nuti's two fabricated statements; to establish the false face-to-face encounter only between Plaintiff and Nuti; to falsely combine and use Nuti's two fabricated statements about what he said and wrote were Plaintiff's actions with the gun the morning of July 7, 2012, at the river area of S.R. 82, as occurring during a face-to-face encounter; to falsely establish probable cause, and certainly arguable probable cause; (Face-To-Face Encounter, pgs. 134-144)

648) that written clearly on the face of A-1 are words describing Nuti's two fabricated statements so contradicted each other, read together, they in no wise were a description of "Probable cause and certainly arguable probable cause," to the contrary, written on the face of A-1 are the words that would lead a person to believe Nuti "Lied," when Nuti spoke and wrote what was identified on the face of A-1 as two fabricated statements:

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

649) that Nuti's two fabricated statements - Radio/Report, clearly written on the face of A-1, without a doubt, revealed Nuti fabricated evidence to frame Plaintiff for a crime he couldn't have been viewed as having committed, due to Nuti's two statements so contradicting each other that neither statement

could be believed; Plaintiff could not have been said to have committed a crime based on Nuti's two fabricated statements; thus, there was no "probable cause, and certainly arguable probable cause" written on the face of A-1 for "Any" to believe Plaintiff committed "Any" crime;

6 - False Arguments Using Arizona Revised Statutes

650) that there were no Arizona Revised Statute violations;

651) that the following eight false arguments using the Arizona Revised Statutes was based on their two above-mentioned out of context uses of Nuti's two fabricated statements Plaintiff pointed a gun at him or at the ground, with nothing written on the face of A-1 to support their arguments;

652) that each of their following false arguments Plaintiff violated Arizona Revised Statutes were known at the time of writing them to have been absolutely, completely, and indubitably false:

Stand-Alone Claims: 79: §1983-(x7 Defs.), 80: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

A.R.S §13-1203(A)(2) defines the crime of assault as the "[i]ntentionally placing [of] another person in reasonable apprehension of imminent physical injury." (Ex. A-7, DktEntry 15, p. 5-6)

Stand-Alone Claims: 81: §1983-(x7 Defs.), 82: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

A.R.S §13-1204(A)(2) provides the crime is aggravated assault if the person commits assault as prescribed by §13-1203 using "a deadly weapon or dangerous instrument." (Ex. A-7, DktEntry 15, p. 5-6)

Stand-Alone Claims: 83: §1983-(x7 Defs.), 84: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

A.R.S §13-1203 using "a deadly weapon or dangerous instrument." (Ex. A-7, DktEntry 15, p. 5-6)

Stand-Alone Claims: 85: §1983-(x7 Defs.), 86: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

A.R.S §13-1204(A)(8)(a) also renders a §13-1203 assault aggravated if committed on a peace officer engaged in the execution of his duties. (Ex. A-7, DktEntry 15, p. 5-6)

Stand-Alone Claims: 87: §1983-(x7 Defs.), 88: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

By July 7-9, 2012, Arizona courts had ruled that a suspect may commit criminal assault under A.R.S §13-1203(A)(2) and; (Ex. A-7, DktEntry 15, p. 5-6)

Stand-Alone Claims: 89: §1983-(x7 Defs.), 90: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

A.R.S §13-1204(A)(2) on a police officer by displaying a weapon in such a way as to result in reasonable apprehension of imminent physical injury. State v. Angle, 149 Ariz. 499, 502-504, 720 P.2d

100, 103-105 (App. 1985), adopting the rule quoted and reversing on other grounds, 149 Ariz. 478, 720 P.2d 79 (Ariz. 1986); (Ex. A-7, DktEntry 15, p. 5-6)

Stand-Alone Claims: 91: §1983-(x7 Defs.), 92: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

A.R.S. §13-2904(A)(6) make disorderly conduct a crime through the reckless display of a weapon; (Ex. A-7, DktEntry 15, p. 5-6)

653) that their following false arguments were based on their two aforementioned out of context uses of Nuti's two fabricated statements Plaintiff pointed a gun at him or at the ground:

Stand-Alone Claims: 93: §1983-(x7 Defs.), 94: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

Vierra's Complaint alleges only that Nuti provided two versions – one that Vierra pointed a weapon at him; and the other that during the encounter with Nuti, Vierra took his gun from his waistband and pointed the weapon at the ground...*In short, in Arizona it is criminal conduct to point or display a deadly weapon at a law enforcement officer in the execution of their duties without there being a lawful justification to do so.* (Ex. A-7, DktEntry 15, p. 5-6)

654) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

655) that reading the two preceding quotes from A-1 together-Radio/Report, there were no Arizona Revised Statutes violations, nor "Probable cause and certainly arguable probable cause," because Nuti fabricated the evidence to frame Plaintiff for a crime he could not have been viewed as having committed, due to Nuti's two statements so contradicting each other that neither statement could be believed;

656) that each and every one of their false arguments using Arizona Revised Statutes were written in spite of their undeniable knowledge of Nuti's two fabricated statements, clearly written on the face of A-1 concerning what Nuti said and wrote were Plaintiff's actions with the gun the morning of July 7, 2012, at the river area of S.R. 82.

XXXV - CCSO Deputy Nathanael Tasch ("Tasch")

657) Jellison knew or should have known, when he colluded/conspired with the other Defendants to prepare, write, and file their false arguments in their reply brief in the Ninth Circuit;

658) that all the elements of the following false arguments:

Ninth Circuit - Defendants-Appellants' Reply Brief - September 22, 2014

As of July 9, 2012, Deputy Tasch knew that, on July 7, 2012, Vierra had either pointed a gun at Deputy Nuti, or had displayed and pointed a gun at the ground during his interaction with Deputy Nuti. Whether Vierra pointed the gun at Deputy Nuti or displayed it in response to Nuti's routine contact with Vierra, there was probable cause (or arguable probable cause) for an assault under A.R.S. §13-1203(A)(2), an aggravated assault under A.R.S. §13-1204(A)(2), or an aggravated assault on a peace officer under A.R.S. §13-1204(A)(8)(a). If Vierra only displayed his weapon under the same circumstances, there was still probable cause (or arguable probable cause) for disorderly conduct through display of a weapon under A.R.S. §13-2904(A)(6) (disorderly conduct through display of weapon). Probable cause for an arrest on these offenses applies regardless of whether Vierra pointed a gun at Deputy Nuti, or displayed a weapon in a potentially threatening manner during the encounter.

Either way, Deputy Tasch is entitled to qualified immunity...(Ex. A-7, DktEntry 15, p. 24)

were in fact false;

A - Tasch Knew Vierra Either Pointed A Gun At Nuti,
Or Displayed And Pointed A Gun At The Ground

659) that the first element of their preceding false arguments:

Stand-Alone Claims: 95: §1983-(x7 Defs.), 96: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

As of July 9, 2012, Deputy Tasch knew that, on July 7, 2012, Vierra had either pointed a gun at Deputy Nuti, or had displayed and pointed a gun at the ground...(Ex. A-7, DktEntry 15, p. 24)

were in fact false;

660) that the first sentence regarding what Plaintiff wrote on the face of A-1; about what Nuti said and wrote were Plaintiff's actions with a gun were a true writing of what Plaintiff wrote:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

Deputy Advised that the male subject pointed the weapon at him. (Ex. A-1, p. 6-7, # 39)

Nuti's Report - July 7, 2012 - 12:57 p.m.

I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 40)

661) that their false argument, "As of July 9, 2012, Deputy Tasch knew that, on July 7, 2012, Vierra had either pointed a gun at Deputy Nuti, or had displayed and pointed a gun at the ground," was in fact false;

662) that their sentence structure falsely manipulated the reader's minds to think Tasch knew on July 7, 2012 "Either: one or the other of two described actions" occurred;

663) pointed a gun at Deputy Nuti, or

664) had displayed and pointed a gun at the ground;

665) that, even though their sentence quoted what was written on the face of A-1, and was in part true, they omitted from their false arguments Tasch heard and learned about Nuti's two fabricated statements, and written on the face of A-1 were the words specifically addressing Tasch knowing Nuti gave two contradictory statements about what happened at the river area of S.R. 82, and he did in fact conspire with Nuti to conceal the fabricated evidence Nuti gave concerning Plaintiff's actions;

1 - Tasch Knew Nuti Fabricated Evidence

a - Tasch Within Earshot Of Radio

666) that written on the face of A-1, Tasch was within earshot of the radio and was able to hear Nuti's radio transmission:

July 7, 2012, 9:43 AM...Deputy Nate Tasch, [was] within earshot of the[] radio[] to hear Nuti's River Radio Transmission: (Ex. A-1, pgs. 11-12, #'s 58-60)

1 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

2 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
3 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
4 area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

5 b - Circumstances Tasch Was Able To Hear Nuti's Radio Transmissions

6 667) that Plaintiff wrote on the face of A-1 a description of the circumstances Tasch was able to
7 hear Nuti's radio transmission:

8 Deputy Tasch stopped talking on the CCSO radio 3 seconds before Nuti began his radio
9 transmission; he was within earshot. Deputy Tasch then responded to assist Nuti at the San Pedro
10 River area of Hwy 82; (Ex. A-1, pgs. 11, # 59)

11 c - Tasch Conveyed Nuti's Second Fabricated River Version

12 668) that Plaintiff wrote on the face of A-1 Tasch conveyed Nuti's second "fabricated version" of
13 what Nuti wrote in his river report happened to an unidentified person the evening after the morning
14 occurrence at the river area of S.R. 82 on July 7, 2012, which was audio recorded:

15 On July 7, 2012, about 6:54 p.m., Deputy Tasch conveyed Nuti's second fabricated version of what
16 Nuti claimed happened at the river to an unidentified person, which was recorded by the microphone
17 attached to the video recorder in Deputy Tasch's SUV; (Ex. A-1, p. 12, #'s 61-62, Ex. C-1, Counter
18 #'s 54:13-56:04)

19 Nuti's Report - July 7, 2012 - 12:57 p.m.

20 I observed a male subject walking directly on the white fog line. I approached him within my patrol
21 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
22 the firearm toward the ground. (Ex. A-1, p. 7, # 36, 38, 40)

23 d - Tasch Had The Duty To End Nuti's Fabricated Case
24 Learned Nuti Gave Two Contradictory Statements

25 669) that written on the face of A-1 Tasch had the duty to end Nuti's fabricated case within an hour
26 of its beginning, after he learned, at the river area of S.R. 82, Nuti gave two contradictory statements
27 about what happened there that morning, he didn't act upon that knowledge, and failed to intervene to
28 prevent civil rights violations:"

...CCSO...Deputy Nate Tasch had the duty to end Nuti's fabricated case within an hour of its
beginning, after [he] learned, while at the river area of Hwy 82; Nuti gave two contradictory
statements about what happened there that morning...[He is] liable; [He] did not act upon that
knowledge. [He] failed to intervene to prevent civil rights violations; (Ex. A-1, p. 12, # 63)

e - Tasch Conspired By Omission With Nuti To Conceal Nuti's Fabricated Evidence

1 670) that Plaintiff wrote on the face of A-1, Tasch "conspired by omission with Nuti to conceal the
2 fabricated evidence Nuti gave concerning [Plaintiff's] actions:"

3 Cochise County Sheriff's...Deputy Nate Tasch conspired by omission with Nuti to conceal the
4 fabricated evidence he gave concerning my actions... (Ex. A-1, p. 3, # 17)

5 f - Neither Hadfield Nor Tasch Wrote A July 7, 2012 River Report

6 671) that Plaintiff wrote on the face of A-1, "neither [Hadfield / Tasch] wrote a July 7, 2012 river
7 report:"

8 Neither wrote a July 7, 2012 river report. (Ex. A-1, p. 4, # 17)

9 g - Tasch Continued Investigation Knowing Plaintiff Was Innocent

10 672) that written on the face of A-1, was Tasch "continued the[] investigation of [Plaintiff] despite the
11 fact [he] knew or should have known [Plaintiff] was innocent:"

12 Cochise County Sheriff's...Deputy Nate Tasch...continued the[] investigation of me despite the fact
13 that [he] knew or should have known that I was innocent. (Ex. A-1, p. 3, # 17)

14 h - Tasch Caused Deprivations Of Due Process - Liberty

15 Literal Endangerment Of Plaintiff's Life - Emotional Distress

16 673) that Plaintiff wrote on the face of A-1, "Tasch caused deprivations of Due Process, liberty,
17 literal endangerment of [Plaintiff's] life, resulting in infliction's of emotional distress:"

18 Cochise County Sheriff's...Deputy Nate Tasch...caused deprivations of Due Process, Liberty, and
19 literal endangerment of my life, resulting in inflictions of emotional distress. (Ex. A-1, p. 4, # 17)

20 17) Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch conspired by
21 omission with Nuti to conceal the fabricated evidence he gave concerning my actions, and they,
22 along with the others in the Cochise County Sheriff's Office (CCSO), continued their investigation of
23 me despite the fact that they knew or should have known that I was innocent. Deputies Hadfield and
24 Tasch made the conscious decisions to intentionally engage in deliberate indifference, or reckless
25 disregard of the consequences of their omissions that caused deprivations of Due Process, Liberty,
26 and literal endangerment of my life, resulting in inflictions of emotional distress. Based on their
27 experience as sheriff's deputies, they knew or should have known their actions would violate my
28 constitutional rights and endanger my life. Neither wrote a July 7, 2012 river report. (Ex. A-1, p. 3-4,
17)

674) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO
posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning

1 fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a
2 comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements;

3 Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

4 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
5 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-
1, p. 6, #31)

6 CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

7 On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their
8 Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

9 Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

10 On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same
11 occurrence in his report; (Ex. A-1, p. 6, #33)

12 This Is A Comparison Of Nuti's Two Fabricated Accounts

13 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
14 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

15 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

16 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
17 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
18 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

19 Nuti's River Report - July 7, 2012 - 12:57 p.m.

20 I observed a male subject walking directly on the white fog line. I approached him within my patrol
21 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
22 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

23 B - Vierra Either Pointed Gun At Nuti, Or Displayed It - Routine Contact

24 675) that the second element of their preceding false arguments:

25 Stand-Alone Claims: 97: §1983-(x7 Defs.), 98: §1985(3)-(x7 Defs.)

26 Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

27 Whether Vierra pointed the gun at Deputy Nuti or displayed it in response to Nuti's routine contact
28 with Vierra...(Ex. A-7, DktEntry 15, p. 24)

were in fact false;

676) that, even though the second element regarding what Plaintiff wrote on the face of A-1; about
what Nuti said and wrote were Plaintiff's actions with a gun were in part a true writing of what Plaintiff
had written on the face of A-1:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

Deputy Advised that the male subject pointed the weapon at him. (Ex. A-1, p. 6-7, # 39)

Nuti's Report - July 7, 2012 - 12:57 p.m.

I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 40)

677) their second element, "Whether Vierra pointed the gun at Deputy Nuti or displayed it in response to Nuti's routine contact with Vierra" was written as a statement of fact not supported by what Plaintiff wrote on the face of A-1;

678) that the preceding was written knowing Nuti described his fabricated statements about the gun in two entirely different and contradictory statements;

679) that Nuti's statement Plaintiff pointed the gun at him was what Nuti said using CCSO's radio, and it occurred just after Nuti said he observed Plaintiff standing on the side of the road, and before Nuti said, when he "stopped his patrol vehicle and returned to the area, the man had fled into the desert;" and that Nuti said he did not have any contact with Plaintiff on the highway; after he said Plaintiff pointed a gun at him: Nuti "returned to the area, the man had fled into the desert:"

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, (Ex. A-1, pgs. 6-7, # 35, 39, 37)

680) that Nuti's claim he saw Plaintiff point the firearm toward the ground was what he wrote in his river report about three hours after his 9:43 a.m. river radio transmissions, during the morning of July 7, 2012; therefore, Nuti's claim Plaintiff pointed the firearm at the ground, as written in the sequence of events on the face of A-1, was at the end of Nuti's described face-to-face encounter with Plaintiff;

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

681) that Nuti earlier said using CCSO's radio was not on S.R. 82 for there to have been a face-to-face encounter with; "the man 'had' fled into the desert;" "Had;" a fact: "fled into the desert," Nuti said using CCSO's radio was already accomplished before he returned to the area he said he just previously observed Plaintiff standing:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, #'s 35, 39)

682) that their words, "Nuti's routine contact with Vierra" was used in the singular; derived from their false face-to-face encounter only arguments, where Nuti's two fabricated statements about the gun were combined into the single occurrence, while knowing written on the face of A-1 Nuti said and wrote two different fabricated descriptions of what he claimed were Plaintiff's actions with a gun the morning of July 7, 2012, at the river area of S.R. 82; (Face-To-Face Encounter, pgs. 134-144)

683) that Nuti conveyed using CCSO's radio to each and every person listening to their CCSO radio, including Tasch, there was no routine contact with Plaintiff; clearly written on the face of A-1 were the words revealing Nuti said using CCSO's radio "the man 'had' fled into the desert," before he stopped his vehicle and returned to the area he said he earlier saw Plaintiff standing:

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. *Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert,* and (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. *I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car."* I noted he pointed the firearm toward the ground. (Ex. A-1, p. 7, # 36, 38, 40)

C - There Was Probable Cause (Or Arguable Probable Cause)

684) that the third element of their preceding false arguments:

Stand-Alone Claims: 99: §1983-(x7 Defs.), 100: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

Whether Vierra pointed the gun at Deputy Nuti or displayed it in response to Nuti's routine contact with Vierra, *there was probable cause (or arguable probable cause)...*(Ex. A-7, DktEntry 15, p. 24) were in fact false;

685) that their out of context use of Nuti's two fabricated statements concerning what he said and wrote were Plaintiff's actions with the gun the morning of July 7, 2012, at the river area of S.R. 82 to establish "probable cause (or arguable probable cause)" was written from their out of context uses of what Nuti said and wrote were Plaintiff's actions with a gun the morning of July 7, 2012, at the river area of S.R. 82, while knowing Plaintiff wrote on the face of A-1 Nuti fabricated the two accounts of

1 what he said and wrote were Plaintiff's actions with a gun:

2 This Is A Comparison Of Nuti's Two Fabricated Accounts

3 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
4 morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, #34)

5 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

6 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
7 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
8 area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 39, 37)

9 Nuti's River Report - July 7, 2012 - 12:57 p.m.

10 I observed a male subject walking directly on the white fog line. I approached him within my patrol
11 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
12 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

13 686) that Nuti's fabricated statements-Radio/Report, revealed Nuti fabricated evidence to frame the
14 Plaintiff for a crime he couldn't have been viewed as having committed, due to Nuti's two statements
15 so contradicting each other neither statement could be believed; Plaintiff could not have been said to
16 have committed "any" crime, according to Nuti's fabricated statements, and there was no "probable
17 cause (or arguable probable cause)" written on the face of A-1 for "any" to believe Plaintiff committed
18 "any" crime;

19 D - Assault Under Arizona Revised Statutes

20 687) that according to what was clearly written on the face of A-1 there was no assault; aggravated
21 assault; aggravated assault on a peace officer; disorderly conduct through display of a weapon; no
22 violations of Arizona Revised Statutes at all;

23 688) that every one of their following false arguments Plaintiff violated the Arizona Revised Statutes
24 were known at the time of preparing and writing them to be false arguments:

25 Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

26 Whether Vierra pointed the gun at Deputy Nuti or displayed it in response to Nuti's routine contact
27 with Vierra, there was probable cause (or arguable probable cause) for an

28 Stand-Alone Claims: 101: §1983-(x7 Defs.), 102: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

assault under A.R.S. §13-1203(A)(2), (Ex. A-7, DktEntry 15, p. 24)

Stand-Alone Claims: 103: §1983-(x7 Defs.), 104: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014

an aggravated assault under A.R.S. §13-1204(A)(2), (Ex. A-7, DktEntry 15, p. 24) or

1 Stand-Alone Claims: 105: §1983-(x7 Defs.), 106: §1985(3)-(x7 Defs.)

2 Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014
 3 an aggravated assault on a peace officer under A.R.S. §13-1204(A)(8)(a), (Ex. A-7, DktEntry 15, p.
 4 24)

5 Stand-Alone Claims: 107: §1983-(x7 Defs.), 108: §1985(3)-(x7 Defs.)

6 Ninth Circuit - Defendants-Appellant's Reply Brief - September 22, 2014
 7 If Vierra only displayed his weapon under the same circumstances, there was still probable cause (or
 8 arguable probable cause) for disorderly conduct through display of a weapon under A.R.S. §13-
 9 2904(A)(6) (disorderly conduct through display of weapon). (Ex. A-7, DktEntry 15, p. 24)

10 689) that each of their above false arguments Plaintiff violated Arizona Revised Statutes; there was
 11 "probable cause (or arguable probable cause)" were, indubitably, known at the time of preparing and
 12 writing them to have been false arguments;

13 690) that Nuti said and wrote two fabricated statements about a gun in two recognizably different and
 14 contradictory statements;

15 691) that Nuti's statement Plaintiff pointed a gun at him was what Nuti said using CCSO's radio, and
 16 it occurred after Nuti said he observed Plaintiff standing on the side of the road, and before Nuti said,
 17 when he "stopped his patrol vehicle and returned to the area, the man had fled into the desert;" and
 18 that Nuti said he did not have any contact with Plaintiff on the highway; after Nuti said Plaintiff pointed
 19 a gun at him: Nuti "returned to the area, the man 'had' fled into the desert:"

20 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

21 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 22 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 23 area, the man had fled into the desert, (Ex. A-1, pgs. 6-7, # 35, 39, 37)

24 692) that Nuti's claim he saw Plaintiff point the firearm toward the ground was what Nuti wrote in his
 25 river report about three hours after his 9:43 a.m. river radio transmissions the morning of July 7, 2012;
 26 Nuti's statement Plaintiff pointed a firearm at the ground, as written in the sequence of events on the
 27 face of A-1, was at the very end of Nuti's described face-to-face encounter with Plaintiff;

28 Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol
 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

693) that Nuti earlier said using CCSO's radio was not on S.R. 82 for there to have been a face- to

1 -face encounter with; "the man 'had' fled into the desert;" "Had;" a fact: "fled into the desert," Nuti said
 2 using CCSO's radio was already accomplished before he returned to the area he said he previously
 3 observed Plaintiff standing:

4 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

5 The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his
 6 patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, #'s 35, 39)
 7 694) that written in clear language on the face of A-1 were words describing Nuti fabricated both his
 8 statements concerning what he said and wrote were Plaintiff's actions with a gun at the river area of
 9 S.R. 82; the morning of July 7, 2012:

10 This Is A Comparison Of Nuti's Two Fabricated Accounts

11 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
 12 morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, #34)

13 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

14 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 15 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 16 area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 39, 37)

17 Nuti's River Report - July 7, 2012 - 12:57 p.m.

18 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 19 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 20 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

21 695) that Nuti's two fabricated statements - Radio/Report, clearly written on the face of A-1, without
 22 a doubt, revealed Nuti fabricated evidence to frame Plaintiff for a crime he couldn't have been viewed
 23 as having committed, due to Nuti's two statements so contradicting each other that neither statement
 24 could be believed;

25 696) that, at the time of writing their false arguments, written on the face of A-1, it was revealed
 26 Tasch knew Nuti fabricated evidence; he was within earshot of his radio; he was able to hear Nuti's
 27 radio transmissions; he conveyed Nuti's second fabricated river version; he had duty to end Nuti's
 28 fabricated case; he conspired by omission with Nuti to conceal Nuti's fabricated evidence; he did not
 write a July 7, 2012 river report; he continued the investigation, when he knew or should have known
 Plaintiff was innocent; he caused deprivations of due process; liberty, and literal endangerment of
 Plaintiff's life, emotional distress, for the foregoing reasons, nothing in the totality of what was written
 on the face of A-1, as stated above, revealed Tasch had any probable cause to believe the Plaintiff

1 committed a crime or "any" crime;

2 XXXVI - CCSO Master Deputy Allison Hadfield And Deputy Nathanael Tasch

3 697) Their frauds perpetrated upon the District Court and then the Ninth Circuit; seen in part above
4 and then below, concerning Hadfield and Tasch, has nothing whatsoever to do with what Hadfield and
5 Tasch actually did or didn't do at the river area of S.R. 82; the morning of July 7, 2012, and after, the
6 preceding and the following will be confined to only what Plaintiff clearly wrote on the face of A-1;
7 describing what Tasch and Hadfield knew or should have known; what they did and did not do at the
8 river area of S.R. 82; the morning of July 7, 2012, and after, which is what the Defendants knew from
9 reading A-1; from which they admittedly wrote all their false trial and appellate arguments. (Prepared
10 False Arguments, p. 121-above)

11 698) In their false arguments concerning Hadfield and Tasch, Jellison, knew of should have known,
12 when he colluded/conspired with the other Defendants, including Hadfield and Tasch, to prepare, write,
13 and file their false arguments in their motions to dismiss in the District Court and in briefs in the Ninth
14 Circuit for Hadfield and Tasch, the full range of the patterns concerning what Plaintiff clearly wrote on
15 the face of A-1 about Nuti fabricating evidence; their knowing and ignoring of evidence available the
16 morning of July 7, 2012, at the river area of S.R. 82, and after; their withholding of Nuti's fabricated
17 radio transmissions was revealed in the clearest language:

18 A - Full Range Of Patterns - Written On The Face Of A-1 - Nuti's
19 Fabrications - What Nuti Said At The River Area Of S.R. 82

20 1 - Nuti Fabricated Evidence

21 699) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO
22 posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning
23 fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a
24 comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements:

25 Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

26 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
27 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-
1, p. 6, #31)

28 CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their
Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:[5]7 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

2 - Hadfield - Tasch Knew Nuti Fabricated Evidence

a - Hadfield - Tasch Within Earshot Of Radio

700) that Plaintiff wrote on the face of A-1, July 7, 2012, Hadfield and Tasch were within earshot of their radios and were able to hear Nuti's radio transmission:

July 7, 2012, 9:43 AM, two CCSO Deputies, Master Deputy Alison Hadfield and Deputy Nate Tasch, were within earshot of their radios to hear Nuti's River Radio Transmission: (Ex. A-1, p. 11, # 58)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

b - Circumstances Hadfield - Tasch Were Able To Hear Nuti's Radio Transmission

701) that written on the face of A-1 were the circumstances Hadfield and Tasch were able to hear Nuti's radio transmission:

Deputy Tasch stopped talking on the CCSO radio 3 seconds before Nuti began his radio transmission; he was within earshot. Deputy Tasch then responded to assist Nuti at the San Pedro River area of Hwy 82; (Ex. A-1, p. 11, # 59)

Master Deputy Alison Hadfield responded on the CCSO radio within 1 minute after the beginning of Nuti's radio transmission; (Ex. A-1, p. 12, # 60)

c - Hadfield Reviewed Fabricated Evidence - Nuti's River Report

702) that written on the face of A-1, "Hadfield reviewed the fabricated evidence Nuti wrote in his report, and CCSO's false investigation continued:"

On July 7, 2012, at 2:19 PM, Master Deputy Alison Hadfield Reviewed the Fabricated evidence Nuti wrote in his report, and CCSO's false investigation continued: (Ex. A-1, p. 12, # 61)

Nuti's Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

d - Tasch Conveyed Nuti's Second Fabricated River Version

703) that written on the face of A-1, "Tasch conveyed Nuti's second fabricated river version of what Nuti claimed happened at the river to an unidentified person the evening after the morning occurrence at the river area of S.R. 82, on July 7, 2012, which was audio recorded:"

On July 7, 2012, about 6:54 PM, Deputy Tasch conveyed Nuti's second fabricated version of what Nuti claimed happened at the river to an unidentified person, which was recorded by the microphone attached to the video recorder in Deputy Tasch's SUV; (Ex. A-1, p. 12, #'s 61-62, [Ex. C-1, counter #'s 54:13-56:04)

Nuti's Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground. (Ex. A-1, p. 7, # 36, 38, 40)

e - Hadfield - Tasch Had The Duty To End Nuti's Fabricated Case
They Learned Nuti Gave Two Contradictory Statements

704) that Plaintiff wrote on the face of A-1, "Hadfield and Tasch had the duty to end Nuti's fabricated case within an hour of its beginning, after they learned, while at the river area of S.R. 82; Nuti gave two contradictory statements; they failed to intervene to prevent civil rights violations:"

All the life threatening and extreme emotional distress producing occurrences following (Nuti's) attack of my person during the morning of July 7, 2012 at the San Pedro River area of S.R. 82 should never have happened. CCSO Master Deputy Alison Hadfield and Deputy Nate Tasch had the duty to end Nuti's fabricated case within an hour of its beginning, after they learned, while at the river area of Hwy 82; Nuti gave two contradictory statements about what happened there that morning...They are each liable; they did not act upon that knowledge. They failed to intervene to prevent civil rights violations, and they..."continued their Investigation of me despite the fact that they knew or should have known that I was innocent." (Ex. A-1, p. 12, # 63)

f - Hadfield - Tasch Conspired By Omission With Nuti To Conceal Nuti's Fabricated Evidence

705) that Plaintiff wrote on the face of A-1, Hadfield and Tasch "conspired by omission with Nuti to conceal the fabricated evidence he gave concerning [Plaintiff's] actions:"

Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch conspired by omission with Nuti to conceal the fabricated evidence he gave concerning my actions...(Ex. A-1, p. 3, # 17)

g - Neither Hadfield Nor Tasch Wrote July 7, 2012 River Report

706) that Plaintiff wrote on the face of A-1, "neither wrote a July 7, 2012 river report:"

Neither wrote a July 7, 2012 river report; (Ex. A-1, p. 4, # 17)

h - Hadfield - Tasch Continued Investigation - Knowing Plaintiff Was Innocent

707) that written on the face of A-1, Hadfield and Tasch "continued their investigation of [Plaintiff] despite the fact they knew or should have known [Plaintiff] was innocent."

Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch...continued their investigation of me despite the fact that they knew or should have known that I was innocent. (Ex. A-1, p. 3, # 17, p. 12, # 63)

i - Hadfield - Tasch Cause Deprivations of Due Process - Liberty
Literal Endangerment Of Plaintiff's Life - Emotional Distress

708) that written on the face of A-1; Hadfield's and Tasch's actions "caused deprivations of Due Process, Liberty, literal endangerment of [Plaintiff's] life, resulting in infliction's of emotional distress."

Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch...caused deprivations of Due Process, Liberty, and literal endangerment of my life, resulting in inflictions of emotional distress. (Ex. A-1, p. 4, # 17)

j - Hadfield -Tasch - Experience - Knew Actions Would Violate
[Plaintiff's] Constitutional Rights / Endanger [Plaintiff's] Life

709) that written on the face of A-1; "Hadfield and Tasch...Based on their experience as sheriff's deputies, knew or should have known their actions would violate [Plaintiff's] constitutional rights and endanger [Plaintiff's] life:"

Hadfield and Tasch...Based on their experience as sheriff's deputies, they knew or should have known their actions would violate my constitutional rights and endanger my life.. (Ex. A-1, p. 4, # 17)

17) Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch conspired by omission with Nuti to conceal the fabricated evidence he gave concerning my actions, and they, along with the others in the Cochise County Sheriff's Office (CCSO), continued their investigation of me despite the fact that they knew or should have known that I was innocent.

Deputies Hadfield and Tasch made the conscious decisions to intentionally engage in deliberate indifference, or reckless disregard of the consequences of their omissions that caused deprivations of Due Process, Liberty, and literal endangerment of my life, resulting in inflictions of emotional distress. Based on their experience as sheriff's deputies, they knew or should have known their actions would violate my constitutional rights and endanger my life. Neither wrote a July 7, 2012 river report. (Ex. A-1, p. 3-4, # 17)

k - CCSO Posted Nuti's River Radio Transmission - July 7, 2012 - 10:06 p.m.

710) that Plaintiff wrote on the face of A-1, CCSO posted: (wrote and published) as a public alert, on July 7, 2012, at 10:06 p.m., on CCSO's Facebook page what Nuti said were Plaintiff's actions during his July 7, 2012 morning radio transmissions at the river area of S.R. 82:

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page: (Ex. A-1, p. 6, # 32)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37, Ex. D-4, D-5)

I - Morgan/Vierra Tried To Obtain Nuti's July 7, 2012 Fabricated Radio Transmissions

711) that Plaintiff wrote on the face of A-1; David Morgan and he tried to obtain Nuti's July 7, 2012 morning fabricated radio transmissions from CCSO to "collect evidence and publish a story exposing Nuti's two fabricated statements and CCSO's false case against [Plaintiff]."

On August 21, 2012, after I found the July 7, 2012, 10:06 PM, Facebook post, which I recognized as a description of Nuti's Fabricated Evidence, [I] asked Mr. David Morgan, (Mr. Morgan), a journalist that has an internet news service, cochisecountyrecord.com/, to help me collect evidence and publish a story exposing Nuti's two fabricated statements and CCSO's false case against me. (Ex. A-1, p. 8, # 44)

m - Edited Copy Of July 7, 2012 Radio Transmission

712) that CCSO through Capas; their spokesperson, public information officer, and CCSO Jane and John Does produced and provided an edited copy of the July 7, 2012, 9:43 a.m. full audio river radio transmissions; the ten minute, forty-one second false copy of their one hour eight minute recording, where they omitted Nuti's fabricated radio transmissions to the CCSO dispatcher CCSO used on their July 7, 2012, 10:06 p.m., Facebook Post:

On August 22, 2012, Mrs. Carol Capas, (Mrs. Capas), Public Information Officer, the spokesperson for CCSO, and the CCSO Jane or John Does, produced and Mrs. Capas provided an Edited Copy of the July 7, 2012, 9:43 AM, Full Audio River Radio Transmission, which omitted Nuti's fabricated radio transmission to the CCSO dispatcher that was used on CCSO's July 7, 2012, 10:06 PM, Facebook Post. The Edited Copy was 10 minutes, 41 seconds of about a 1 hour, 8 minute audio recording: (Ex. A-1, p. 8, # 45)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37, Ex. 2-3)

1 n - CCSO Refused To Provide Full Version Of Nuti's Fabricated River Radio Transmission

2 713) that written on the face of A-1, CCSO through Capas, their spokesperson, "refused to provide
3 Mr. Morgan the full July 7, 2012, 9:43 a.m. version of Nuti's fabricated audio river radio transmission:"

4 During the months of August through November, 2012, Mrs. Capas, as spokesperson for CCSO,
5 refused to provide Mr. Morgan, through his Arizona Public Records Laws Requests, the full July 7,
6 2012, 9:43 AM, version of Nuti's fabricated Audio River Radio Transmission; (Ex. A-1, p. 8, #'s 44-
46)

7 o - CCSO's False Dispatcher's Radio Logs

8 714) that clearly written on the face of A-1; CCSO revealed through Capas, their spokesperson, and
9 CCSO Jane and John Does produced two false CCSO dispatcher's radio logs on November 5 & 28,
10 2012; where they omitted the fabricated words Nuti said using CCSO's radio at the river area of S.R.
11 82; the morning of July 7, 2012:

12 On November 5 and 28, 2012, Mrs. Capas, the spokesperson for CCSO, and the CCSO Jane or
13 John Does, then produced and Mrs. Capas provided two Fabricated Copies of CCSO's Dispatcher's
14 log for the July 7, 2012 incident at the river area of Hwy 82, during the morning hours. The
15 dispatcher's logs were Deliberately Fabricated to omit the words Nuti spoke during his Initial Radio
Transmission to the CCSO Dispatcher, beginning at about 9:43 AM: (Ex. A-1, p. 9, # 52)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

16 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
17 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
18 area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

19 p - CCSO's False Dispatcher's Radio Logs - "On Site"

20 715) that from the two false July 7, 2012 CCSO's dispatcher's radio logs; November 5 & 28, 2012;
21 all the words Nuti spoke during his initial radio transmission to the dispatcher were omitted and they
were replaced with the words "On Site:"

22 On the first page of the two copies of the dispatcher's logs, at the top of each, the words Nuti spoke
23 during his initial radio transmission to the dispatcher was replaced with the words "On Site." (Ex. A-1,
p. 9, # 53)

24 716) The preceding revealed Hadfield and Tasch knew or should have known on July 7, 2012 Nuti
25 fabricated evidence; neither wrote July 7, 2012 river reports revealing their independent knowledge of
26 Nuti's two fabricated statements, both of them continued their investigation of Plaintiff on July 7, 2012,
27 when they knew or should have known Plaintiff was innocent, and CCSO through various actions,
28 regarding the recording and the documents, withheld from Plaintiff what Nuti fabricated using CCSO's

1 radio the morning of July 7 2012, at the river area of S.R. 82.

2 717) In the possession of the above knowledge written on the face of A-1, the Defendants mutually
3 agreed to lay the following foundation for all their false arguments in their motions in the District Court
4 and in their briefs in the Ninth Circuit concerning Hadfield and Tasch.

5 XXXVII - District Court - Ninth Circuit - False Arguments Motions / Briefs - "And Then"

6 718) When the two false July 7, 2012 CCSO's dispatcher's radio logs; November 5 & 28, 2012 were
7 presented to Defendants September 27, 2013 through Plaintiff's F.R.Civ.P. 26(a)(1) initial disclosures
8 in the now withdrawn civil action (Ex.'s A-15, A-15a), Hauser, Gijanto, Hadfield, Tasch, Capas, and
9 Nuti manually manufactured their October 14, 2013 false CCSO dispatcher's radio log; (Ex. A-16)
10 omitting, as in the previous two dispatcher's radio logs, all the fabricated words Nuti spoke using
11 CCSO's radio; they revealed intent to continue that practice of omissions through their actions in the
12 District Court and in the Ninth Circuit, when they colluded/conspired with their attorney James M.
13 Jellison to prepare to be written their false arguments in their motions in the District Court and in their
14 briefs in the Ninth Circuit; they omitted fifteen of the nineteen words clearly written on the face of A-1
15 that Nuti said using CCSO's radio, "Once the deputy stopped his patrol vehicle and returned to the
16 area, the man had' fled into the desert," in their four false arguments, replacing the fifteen words with
17 the words, "and then" followed by "fled into the desert," while writing an accurate description of what
18 Nuti fabricated in his river report:

19 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

20 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
21 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
22 area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

23 Nuti's River Report - July 7, 2012 - 12:57 p.m.

24 I observed a male subject walking directly on the white fog line. I approached him within my patrol
25 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
26 the firearm toward the ground. (Ex. A-1, p. 7, # 36, 38, 40)

27 District Court - Defendants' Motion To Dismiss - December 13, 2013

28 Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff
as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then*
fled into the desert. (Ex. A-2, Doc. 24, p. 5)

Plaintiff alleges Deputy Nuti, in a report authored that day at 12:57 p.m., described his encounter
with Plaintiff earlier as one in which Plaintiff was walking on the white fog line, where Deputy Nuti

1 stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff
2 pointed a firearm toward the ground. (Ex. A-2, Doc. 24, p. 5)

3 District Court: Defendants' Motion In Support Of Motion To Dismiss - December 27, 2013
4 Plaintiff does seem to dispute what his Second Amended Complaint alleges concerning Deputy Nuti.
5 On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio
6 transmission, described the encounter as one of a male subject standing on the side of the road,
7 who pointed a weapon at him, *and then* fled into the desert. (Ex. A-4, Ex. 28, p. 3)

8 Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with
9 Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated
10 to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed
11 a firearm toward the ground. (Ex. A-4, Ex. 28, p. 3)

12 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014
13 Vierra alleges Deputy Nuti in a 9:43 a.m. radio transmission described his encounter with Vierra as
14 one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled
15 into the desert.

16 Plaintiff alleges Deputy Nuti, in a report authored later that day at 12:57 p.m., described his
17 encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where
18 Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and
19 where Plaintiff pointed a firearm toward the ground. (Ex. A-5, DktEntry 5-1, pgs. 19-20)

20 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014
21 On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio
22 transmission, described the encounter as one of a male subject standing on the side of the road,
23 who pointed a weapon at him, *and then* fled into the desert.

24 Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with
25 Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated
26 to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed
27 a firearm toward the ground. (Ex. A-5, DktEntry 5-1, pgs. 48-49)

28 719) to eliminate the obvious contradictions in Nuti's two fabricated statements - Radio/Report; and
then to eliminate Nuti's first described approach of Plaintiff's location, and finally to eliminate the word
"Had."

XXXVIII - District Court - Ninth Circuit - False Arguments To Conceal
Hadfield And Tasch Knew About Nuti's Contradictory Statements

720) Their intentional omissions of fifteen of the nineteen words written on the face of A-1 from their
false arguments, "Once the deputy stopped his patrol vehicle and returned to the area, the man had'
fled into the desert," "Had," a fact: "fled into the desert," that Nuti said using CCSO's radio was already
accomplished before he returned to the area he said he just previously observed Plaintiff standing:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road....Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 37) 721) enabled the Defendants to eliminate from the reader's minds Hadfield and Tasch hearing and knowing about Nuti's two fabricated statements concerning what he said and wrote were Plaintiff's actions the morning of July 7, 2012, at the river area of S.R. 82:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.:

"Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert;" (Ex. A-1, p. 7, # 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.:

"I approached him within my patrol vehicle. I stated, 'Please don't walk on the roadway, you might get hit by a car,'" (Ex. A-1, p. 7, # 38)

A - "And Then" Fled Into The Desert

722) Jellison knew or should have known, when he colluded/conspired with the other Defendants to prepare, write, and file their false arguments in their motion to dismiss in the District Court, and in their opening brief in the Ninth Circuit, concerning Hadfield and Tasch;

723) that the following combined false arguments:

Stand-Alone Claims: 109: §1983-(x7 Defs.), 110: §1985(3)-(x7 Defs.)

District Court - Defendants' Motion to Dismiss - December 13, 2013

[1] Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert.

[2] Deputies Alison Hadfield and Nate Tasch allegedly heard the 9:43 a.m. transmission and responded to the scene.

[3] Plaintiff alleges Deputy Nuti, in a report authored that day at 12:57 p.m., described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white fog line, where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground.

[4] Deputies Tasch and Hadfield are alleged to have reviewed this report that afternoon, but took no steps to cease efforts to locate Plaintiff. (Ex. A-2, Doc. 24, p. 5)

Same False Arguments Written Eight Months Apart

District Court - December 13, 2013

Ninth Circuit - August 13, 2014

Stand-Alone Claims: 111: §1983-(x7 Defs.), 112: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants' Opening Brief - August 13, 2014

[1] Vierra alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Vierra as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert.

[2] Deputies Alison Hadfield and Nate Tasch allegedly heard the 9:43 a.m. transmission, and responded to the scene.

[3] Plaintiff alleges Deputy Nuti, in a report authored later that day at 12:57 p.m., described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground.

[4] Deputies Tasch and Hadfield are alleged to have reviewed this report that afternoon, but took no steps to cease the efforts to locate Plaintiff. (Ex. A-5, DktEntry 5-1, pgs. 19-20)

were in fact false in both Courts;

724) that, by using the above combined false arguments, frauds were being perpetrated upon the District Court and the Ninth Circuit;

725) that in their false arguments were the omissions of fifteen of the nineteen words from what was written on the face of A-1: "Once the Deputy stopped his patrol vehicle and returned to the area, the man had' fled into the desert;"

726) that fifteen words, "Once the Deputy stopped his patrol vehicle and returned to the area, the man had" were replaced with the words "and then," followed by "fled into the desert;" in order to eliminate Nuti's described approach of Plaintiff's location, and the word "Had;" a fact: "fled into the desert," Nuti said using CCSO's radio was already accomplished before he returned to the area he said he just previously observed Plaintiff standing:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road....Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, (Ex. A-1, p. 6-7, # 35, 37)

727) that written on the face of A-1 there were two described contradictory observations:

728) 1. Nuti "observed [Plaintiff] standing on the side of the road;" (Ex. A-1, p. 6, #35)

729) 2. Nuti "observed [Plaintiff] walking on the white fog line;" (Ex. A-1, p. 7, #36)

730) that written on the face of A-1 there were four described contradictory actions:

731) 1. Nuti "stopped his patrol vehicle and returned to the area;" (Ex. A-1, p. 7, #37)

732) 2. Nuti "approached [Plaintiff] [seated in] his patrol vehicle;" (Ex. A-1, p. 7, #38)

733) 3. Nuti said, "the man had fled into the desert;" meaning the man was not on S.R. 82 for Nuti to have held a conversation with; (Ex. A-1, p. 7, #39)

734) 4. Nuti wrote in his river report he said to the male, "Please don't walk on the roadway, you might get hit by a car;" meaning the male was still on S.R. 82 for Nuti to have held a conversation with; (Ex. A-1, p. 7, #40)

735) that they used the words "and then" to eliminate Nuti's first description of him approaching the area he said he previously saw plaintiff standing and the word "Had" in the fifteen of nineteen words Nuti spoke using CCSO's radio, "Once the deputy stopped his patrol vehicle and returned to the area, the man had' fled into the desert;" "Had;" a fact: "fled into the desert," Nuti said using CCSO's radio was an already accomplished fact before he returned to the area he said he just previously observed Plaintiff standing:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road....Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 37)

736) that eliminating Nuti approaching Plaintiff, and the word "Had," Hadfield and Tasch would not have been viewed in their false arguments as having heard Nuti say Plaintiff "Had" departed from S.R. 82, by the time he returned to the area he said he saw Plaintiff standing;

737) that, if their false arguments were written using the words Plaintiff wrote on the face of A-1, instead of "and then:"

District Court - Defendants' Motion to Dismiss - December 13, 2013

[1] Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff as one of a male subject standing on the side of the road, who pointed a weapon at him, ~~and then~~ [Once the Deputy stopped his patrol vehicle and returned to the area, the man had] fled into the desert.

[2] Deputies Alison Hadfield and Nate Tasch allegedly heard the 9:43 a.m. transmission and responded to the scene.

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

[1] Vierra alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Vierra as one of a male subject standing on the side of the road, who pointed a weapon at him, ~~and then~~ [Once the Deputy stopped his patrol vehicle and returned to the area, the man had] fled into the desert.

1 [2] Deputies Alison Hadfield and Nate Tasch allegedly heard the 9:43 a.m. transmission, and
 2 responded to the scene; (Ex. A-5, DktEntry 5-1, p. 6)

3 738) both Courts would have read Hadfield and Tasch heard Nuti say using CCSO's radio Plaintiff
 4 was no longer on S.R. 82, he "Had fled into the desert;"

5 739) that their removal of fifteen of the nineteen words, "Once the Deputy stopped his patrol vehicle
 6 and returned to the area, the man had' fled into the desert;" were intention; the centerpiece of their
 7 false arguments were Nuti approached Plaintiff for safety reasons; there was a conversation between
 8 Plaintiff and Nuti, and it was, at that time, Plaintiff either pointed a gun at Nuti or displayed a handgun;
 9 (Face-To-Face Encounter, pgs. 134-144);

10 740) that the words, "Once the deputy stopped his patrol vehicle and returned to the area, the man
 11 had' fled into the desert," revealed contradictions in Nuti's two statements; or Nuti fabricated his two
 12 statements;

13 741) that the construction of their sentences was to eliminate the fact in the reader's minds Hadfield
 14 and Tasch knew or should have known there were contradictions in Nuti's two fabricated statements,
 15 which were clearly written on the face of A-1;

16 742) specifically, the comparison of Nuti's two fabricated accounts identified on the face of A-1:

17 This Is A Comparison Of Nuti's Two Fabricated Accounts

18 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
 19 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

20 743) followed by what Nuti spoke during his radio transmission: "Once the deputy stopped his
 21 patrol vehicle and returned to the area, the man had' fled into the desert;" understood to mean Plaintiff
 22 was no longer on S.R. 82 for Nuti to have held a conversation with:

23 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

24 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 25 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

26 744) followed by what Nuti wrote in his report: "I approached him within my patrol vehicle. I stated,
 27 'Please don't walk on the roadway, you might get hit by a car;" understood to mean Plaintiff was on
 28 S.R. 82 for Nuti to have held a conversation with:

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground. (Ex. A-1, p. 7, # 36, 38, 40)

745) that, by eliminating from the reader's minds, both Hadfield and Tasch knew or should have known Nuti fabricated two statements concerning what he said and wrote were Plaintiff's actions the morning of July 7, 2012, at the river area of S.R. 82; specifically, Nuti "returned to the area" and the man had fled into the desert," they could argue Hadfield and Tasch had no knowledge of Nuti's two fabricated and contradictory statements; they both had probable cause to believe Plaintiff pointed or displayed a gun; thus, committed a crime, and they were both entitled to qualified immunity.

746) that the preceding false arguments in their motions in the District Court and in briefs in the Ninth Circuit were written with full knowledge; in addition to the preceding fabricated statements by Nuti -Radio/Report, Plaintiff also wrote on the face of A-1 the series of entries revealing Hadfield and Tasch knew Nuti fabricated evidence; they both colluded/conspired with Nuti to conceal by omission Nuti's fabricated evidence, by not writing river reports:

B - Hadfield - Tasch Knew Nuti Fabricated Evidence

747) that written on the face of A-1, on July 7, 2012, Hadfield and Tasch were within earshot of their radios and were able to hear Nuti's radio transmission:

Hadfield - Tasch Within Earshot Of Radio

July 7, 2012, 9:43 AM, two CCSO Deputies, Master Deputy Alison Hadfield and Deputy Nate Tasch, were within earshot of their radios to hear Nuti's River Radio Transmission: (Ex. A-1, p. 11, # 58)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

748) that Plaintiff wrote on the face of A-1, a description of the circumstances Hadfield and Tasch were able to hear Nuti's radio transmission:

Circumstances Hadfield - Tasch Were Able To Hear Nuti's Radio Transmission

Deputy Tasch stopped talking on the CCSO radio 3 seconds before Nuti began his radio transmission; he was within earshot. Deputy Tasch then responded to assist Nuti at the San Pedro River area of Hwy 82; (Ex. A-1, p. 11, # 59)

Master Deputy Alison Hadfield responded on the CCSO radio within 1 minute after the beginning of Nuti's radio transmission; (Ex. A-1, p. 12, # 60)

1 749) that Plaintiff wrote on the face of A-1, Hadfield reviewed the "fabricated evidence" Nuti wrote in
 2 his report, and CCSO's false investigation continued:

3 Hadfield Reviewed Fabricated Evidence - Nuti's River Report

4 On July 7, 2012, at 2:19 PM, Master Deputy Alison Hadfield Reviewed the Fabricated evidence Nuti
 wrote in his report, and CCSO's false investigation continued: (Ex. A-1, p. 12, # 61)

5 Nuti's Report - July 7, 2012 - 12:57 p.m.

6 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 7 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

8 750) that written on the face of A-1, Tasch conveyed Nuti's second fabricated river version of what
 9 Nuti claimed happened at the river to an unidentified person the evening after the morning occurrence
 10 at the river area of S.R. 82, on July 7, 2012, which was audio recorded:

11 Tasch Conveyed Nuti's Second Fabricated River Version

12 On July 7, 2012, about 6:54 PM, Deputy Tasch conveyed Nuti's second fabricated version of what
 13 Nuti claimed happened at the river to an unidentified person, which was recorded by the microphone
 attached to the video recorder in Deputy Tasch's SUV; (Ex. A-1, p. 12, #'s 61-62, [Ex. C-1, counter
 14 #'s 54:13-56:04)

15 Nuti's Report - July 7, 2012 - 12:57 p.m.

16 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 17 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 the firearm toward the ground. (Ex. A-1, p. 7, # 36, 38, 40)

18 751) that Plaintiff clearly wrote on the face of A-1, "Hadfield and Tasch had the duty to end Nuti's
 19 fabricated case within an hour of its beginning, after they learned, while at the river area of S.R. 82;
 [he] gave two contradictory statements;" and "they failed to intervene to prevent civil rights violations:"

20 Hadfield - Tasch Had The Duty To End Nuti's Fabricated Case

21 They Learned Nuti Gave Two Contradictory Statements

22 All the life threatening and extreme emotional distress producing occurrences following (Nuti's)
 23 attack of my person during the morning of July 7, 2012 at the San Pedro River area of S.R. 82
 should never have happened. CCSO Master Deputy Alison Hadfield and Deputy Nate Tasch had the
 24 duty to end Nuti's fabricated case within an hour of its beginning, after they learned, while at the river
 area of Hwy 82; Nuti gave two contradictory statements about what happened there that morning
 25 ...They are each liable; they did not act upon that knowledge. They failed to intervene to prevent civil
 26 rights violations, and they..."continued their Investigation of me despite the fact that they knew or
 should have known that I was innocent." (Ex. A-1, p. 12, # 63)

27 752) that Plaintiff wrote on the face of A-1, Hadfield and Tasch "conspired by omission with Nuti to
 28 conceal the fabricated evidence he gave concerning [Plaintiff's] actions:

Hadfield - Tasch Conspired By Omission With Nuti To Conceal Fabricated Evidence
Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch conspired by omission with Nuti to conceal the fabricated evidence he gave concerning my actions..(Ex. A-1, p. 3, # 17)

753) that Plaintiff wrote on the face of A-1, "neither wrote a July 7, 2012 river report:"

Neither Hadfield Nor Tasch Wrote July 7, 2012 River Report
Neither wrote a July 7, 2012 river report; (Ex. A-1, p. 4, # 17)

754) that written on the face of A-1, Hadfield and Tasch "continued their investigation of [Plaintiff] despite the fact they knew or should have known [Plaintiff] was innocent:"

Hadfield - Tasch Continued Investigation Knowing Plaintiff Was Innocent
Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch...continued their investigation of me despite the fact that they knew or should have known that I was innocent. (Ex. A-1, p. 3, # 17, p. 12, # 63)

755) that written on the face of A-1 was Hadfield's and Tasch's actions "caused deprivations of Due Process, Liberty, and literal endangerment of [Plaintiff's] life, resulting in infliction's of emotional distress:"

Hadfield - Tasch Cause Deprivations of Due Process - Liberty
Literal Endangerment Of Plaintiff's Life - Emotional Distress
Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch...caused deprivations of Due Process, Liberty, and literal endangerment of my life, resulting in inflictions of emotional distress. (Ex. A-1, p. 4, # 17)

756) that Plaintiff wrote on the face of A-1; Hadfield and Tasch...Based on their experience as deputies, knew or should have known their actions would violate [Plaintiff's] constitutional rights and endanger [Plaintiff's] life:"

Hadfield -Tasch Experience - Knew Actions Would Violate
[Plaintiff's] Constitutional Rights - Endanger [Plaintiff's] Life
Hadfield and Tasch...Based on their experience as sheriff's deputies, knew or should have known their actions would violate my constitutional rights and endanger my life.. (Ex. A-1, p. 4, # 17)

17) Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch conspired by omission with Nuti to conceal the fabricated evidence he gave concerning my actions, and they, along with the others in the Cochise County Sheriff's Office (CCSO), continued their investigation of me despite the fact that they knew or should have known that I was innocent. Deputies Hadfield and Tasch made the conscious decisions to intentionally engage in deliberate indifference, or reckless disregard of the consequences of their omissions that caused deprivations of Due Process, Liberty, and literal endangerment of my life, resulting in inflictions of emotional distress. Based on their

experience as sheriff's deputies, they knew or should have known their actions would violate my constitutional rights and endanger my life. Neither wrote a July 7, 2012 river report. (Ex. A-1, p. 3-4, # 17)

XXXIX - Using Truth / Honesty Could Not Make Probable Cause Arguments For Hadfield - Tasch
757) Jellison knew or should have known, when he colluded/conspired with the other Defendants to prepare, write, and file their false arguments, first in District Court, and then eight months later in the Ninth Circuit,

758) that, if truth and honesty would have been used to write their arguments in District Court and in the Ninth Circuit, i.e., using the nineteen words Plaintiff wrote on the face of A-1, "Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert:"

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. *Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert.* (Ex. A-1, pgs. 6-7, # 35, 39, 37)

759) instead of "and then:"

District Court - Defendants' Motion to Dismiss - December 13, 2013

[1] Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff as one of a male subject standing on the side of the road, who pointed a weapon at him, ~~and then~~ *[Once the deputy stopped his patrol vehicle and returned to the area, the man had]* fled into the desert;

[2] Deputies Alison Hadfield and Nate Tasch allegedly heard the 9:43 a.m. transmission and responded to the scene;

[3] Plaintiff alleges Deputy Nuti, in a report authored that day at 12:57 p.m., described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white fog line, where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground;

[4] Deputies Tasch and Hadfield are alleged to have reviewed this report that afternoon, but took no steps to cease efforts to locate Plaintiff; (Ex. A-2, Doc. 24, p. 5)

Eight Months Later - Same False Arguments

District Court - December 13, 2013

Ninth Circuit - August 13, 2014

Ninth Circuit - Defendants-Appellants Opening Brief - August 13, 2014

[1] Vierra alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Vierra as one of a male subject standing on the side of the road, who pointed a weapon at him, ~~and then~~ *[Once the deputy stopped his patrol vehicle and returned to the area, the man had]* fled into the desert;

[2] Deputies Alison Hadfield and Nate Tasch allegedly heard the 9:43 a.m. transmission, and

responded to the scene;

[3] Plaintiff alleges Deputy Nuti, in a report authored later that day at 12:57 p.m., described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground;

[4] Deputies Tasch and Hadfield are alleged to have reviewed this report that afternoon, but took no steps to cease the efforts to locate Plaintiff (Ex. A-5, DktEntry 5-1, p. 19-20);

760) that, it would have been so obvious to the Courts, both Hadfield and Tasch heard Nuti's two contradictory statements;

761) 1. Nuti's July 7, 2012 River Radio Transmission:

"Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert;" (Ex. A-1, p. 7, # 37)

762) 2. Nuti's July 7, 2012 River Report:

"I approached him within my patrol vehicle. I stated, 'Please don't walk on the roadway, you might get hit by a car;'" (Ex. A-1, p. 7, # 38)

763) that Hadfield and Tasch, by hearing and learning Nuti gave two contradictory statements, and based on their experience as sheriff's deputies, knew or should have known Nuti fabricated his two statements to frame Plaintiff for a crime he could not have been viewed as having committed, due to Nuti's two statements so contradicting each other neither statement could be believed:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

764) that written in a series of entries on the face of A-1; in plain and easy to understand language, Hadfield and Tasch knew Nuti fabricated evidence about what he said and wrote were Plaintiff actions at the river area of S.R. 82; the morning of July 7, 2012;

765) that written on the face of A-1, July 7, 2012, Hadfield and Tasch were within earshot of their radios and were able to hear Nuti's radio transmission:

Hadfield - Tasch Within Earshot Of Radio

July 7, 2012, 9:43 AM, two CCSO Deputies, Master Deputy Alison Hadfield and Deputy Nate Tasch, were within earshot of their radios to hear Nuti's River Radio Transmission: (Ex. A-1, p. 11, # 58)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

766) that written on the face of A-1 was a description of the circumstances Hadfield and Tasch were able to hear Nuti's radio transmission:

Circumstances Hadfield - Tasch Were Able To Hear Nuti's Radio Transmission

Deputy Tasch stopped talking on the CCSO radio 3 seconds before Nuti began his radio transmission; he was within earshot. Deputy Tasch then responded to assist Nuti at the San Pedro River area of Hwy 82; (Ex. A-1, p. 11, # 59)

Master Deputy Alison Hadfield responded on the CCSO radio within 1 minute after the beginning of Nuti's radio transmission; (Ex. A-1, p. 12, # 60)

767) that written on the face of A-1 was Hadfield reviewed the "fabricated evidence" Nuti wrote in his report, and CCSO's false investigation continued:

Hadfield Reviewed Fabricated Evidence - Nuti's River Report

On July 7, 2012, at 2:19 PM, Master Deputy Alison Hadfield Reviewed the Fabricated evidence Nuti wrote in his report, and CCSO's false investigation continued: (Ex. A-1, p. 12, # 61)

Nuti's Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

768) that written on the face of A-1 Tasch conveyed Nuti's second fabricated river version of what Nuti claimed happened at the river to an unidentified person the evening after the morning occurrence at the river area of S.R. 82, on July 7, 2012, which was audio recorded:

Tasch Conveyed Nuti's Second Fabricated River Version

On July 7, 2012, about 6:54 PM, Deputy Tasch conveyed Nuti's second fabricated version of what Nuti claimed happened at the river to an unidentified person, which was recorded by the microphone attached to the video recorder in Deputy Tasch's SUV; (Ex. A-1, p. 12, #'s 61-62, [Ex. C-1, counter #'s 54:13-56:04)

Nuti's Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground. (Ex. A-1, p. 7, # 36, 38, 40)

1 769) that Plaintiff wrote on the face of A-1, "Hadfield and Tasch had the duty to end Nuti's fabricated
 2 case within an hour of its beginning, after they learned, while at the river area of S.R. 82; [he] gave
 3 two contradictory statements, [and] they failed to intervene to prevent civil rights violations."

4 Hadfield - Tasch Had The Duty To End Nuti's Fabricated Case

5 They Learned Nuti Gave Two Contradictory Statements

6 All the life threatening and extreme emotional distress producing occurrences following (Nuti's)
 7 attack of my person during the morning of July 7, 2012 at the San Pedro River area of S.R. 82
 8 should never have happened. CCSO Master Deputy Alison Hadfield and Deputy Nate Tasch had the
 9 duty to end Nuti's fabricated case within an hour of its beginning, after they learned, while at the river
 10 area of Hwy 82; Nuti gave two contradictory statements about what happened there that
 morning...They are each liable; they did not act upon that knowledge. They failed to intervene to
 prevent civil rights violations, and they..."continued their investigation of me despite the fact that they
 knew or should have known that I was innocent." (Ex. A-1, p. 12, # 63)

11 770) that Plaintiff wrote on the face of A-1, Hadfield and Tasch "conspired by omission with Nuti to
 12 conceal the fabricated evidence he gave concerning [Plaintiff's] actions:

13 Hadfield - Tasch Conspired By Omission With Nuti To Conceal Fabricated Evidence

14 Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch conspired by
 15 omission with Nuti to conceal the fabricated evidence he gave concerning my actions..(Ex. A-1, p. 3,
 # 17)

16 771) that Plaintiff wrote on the face of A-1, "neither wrote a July 7, 2012 river report:"

17 Neither Hadfield Nor Tasch Wrote July 7, 2012 River Report

18 Neither wrote a July 7, 2012 river report; (Ex. A-1, p. 4, # 17)

19 772) that Plaintiff clearly wrote on the face of A-1, Hadfield and Tasch "continued their investigation
 20 of [Plaintiff] despite the fact they knew or should have known [Plaintiff] was innocent:"

21 Hadfield - Tasch Continued Investigation Knowing Plaintiff Was Innocent

22 Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch...continued their
 23 investigation of me despite the fact that they knew or should have known that I was innocent. (Ex. A-
 1, p. 3, # 17, p. 12, # 63)

24 773) that written on the face of A-1; Hadfield's and Tasch's actions "caused deprivations of Due
 25 Process, Liberty, literal endangerment of [Plaintiff's] life, resulting in infliction's of emotional distress."

26 Hadfield - Tasch Cause Deprivations of Due Process - Liberty

27 Literal Endangerment Of Plaintiff's Life - Emotional Distress

28 Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch...caused
 deprivations of Due Process, Liberty, and literal endangerment of my life, resulting in inflictions of
 emotional distress. (Ex. A-1, p. 4, # 17)

774) that written on the face of A-1; Hadfield and Tasch...Based on their experience as deputies, knew or should have known their actions would violate [Plaintiff's] constitutional rights and endanger [Plaintiff's] life:"

Hadfield -Tasch Experience - Knew Actions Would Violate
[Plaintiff's] Constitutional Rights - Endanger [Plaintiff's] Life

Hadfield and Tasch...Based on their experience as sheriff's deputies, knew or should have known their actions would violate my constitutional rights and endanger my life.. (Ex. A-1, p. 4, # 17)

XL - Deputies Tasch And Hadfield...Took No Steps To Cease The Efforts To Locate Plaintiff

775) that the words "Took no steps to cease efforts to locate Plaintiff;" attached to the end of their two preceding false arguments (District Court - Ninth Circuit pgs. 198-199):

Stand-Alone Claims: 113: §1983-(x7 Defs.), 114: §1985(3)-(x7 Defs.)

Stand-Alone Claims: 115: §1983-(x7 Defs.), 116: §1985(3)-(x7 Defs.)

District Court - Defendants' Motion to Dismiss - December 13, 2013

Deputies Tasch and Hadfield...took no steps to cease the efforts to locate Plaintiff. (Ex. A-2, Doc. 24, p. 5)

Stand-Alone Claims: 117: §1983-(x7 Defs.), 118: §1985(3)-(x7 Defs.)

Stand-Alone Claims: 119: §1983-(x7 Defs.), 120: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

Deputies Tasch and Hadfield...took no steps to cease the efforts to locate Plaintiff. (Ex. A-5, DktEntry 5-1, p. 19-20)

were not only in fact false, they were the preface to their other false arguments they wrote;

776) that removing fifteen of the nineteen words, "Once the deputy stopped his patrol vehicle and returned to the area, the man had' fled into the desert," written on the face of A-1; was to conceal

Hadfield and Tasch knew about Nuti's two fabricated and contradictory statements for the purposes of eliminating from their false arguments Hadfield and Tasch knew or should have known Nuti said using CCSO's radio Plaintiff was not on S.R. 82 for him to have held a conversation with, and wrote in his river report, or conveyed , he approached Plaintiff and held a conversation with him, and that enabled them to use their false combining of Nuti's two fabricated statements about a gun in their false face-to-face encounter only occurrence (Face-To-Face Encounter, pgs. 134-144), which then enabled them to claim Hadfield and Tasch believed Plaintiff committed crimes, and that gave them probable cause to search for Plaintiff; therefore, "Deputies Tasch and Hadfield" didn't violate Plaintiff's

1 constitutional rights, when they "took no steps to cease the efforts to locate Plaintiff;"

2 XLI - District Court - Ninth Circuit - Hadfield And Tasch - Confined False
3 Arguments To Nuti's Two Fabricated Statements About Gun

4 A - District Court:

- 5 1 - Plaintiff's Complaint [A-1] Alleges Nothing More Than
6 2 - Hadfield And Tasch Continued To Look For Plaintiff With Knowledge
7 Nuti Said Plaintiff Pointed Gun At Him / Displayed The Gun
8 3 - No Clearly Established Case Law, Nor Are The Defendants Aware Of Any
4 - Arguably Illegal Versions, Of The Suspect's Actions

9 B - Ninth Circuit:

- 10 1 - Plaintiff's Complaint [A-1] Alleges Nothing More Than / Offers Nothing Other Than
11 2 - Hadfield And Tasch Continued To Look For Plaintiff With Knowledge
Nuti Said Plaintiff Pointed Gun At Him / Displayed The Gun
12 3 - No Clearly Established Case Law, Nor Are The Defendants Aware Of Any
13 4 - These Allegations Do Not Amount To A Constitutional Violation Of Any Kind
14 5 - Inculpatory Versions, Of The Suspect's Actions

15 777) Jellison knew or should have known, when he colluded/conspired with the other Defendants to
16 prepare, write, and file their false arguments in their reply in support of motion to dismiss in the District
17 Court, and in their opening brief in the Ninth Circuit;

18 778) that the following combined false arguments:

19 District Court - Defendants' Reply In Support of Motion to Dismiss - December 27, 2013

20 C. Alison Hadfield and Nate Tasch: Plaintiff does seem to dispute what his Second Amended
21 Complaint [Ex.1] alleges concerning Alison Hadfield and Nate Tasch. As to these Defendants,
22 Plaintiff's Complaint [A-1] alleges nothing more than these Defendants continued to look for Plaintiff
Vierra on July 7, 2012 with knowledge that Deputy Nuti at one point said Plaintiff pointed a gun at
him, and then, at another point, stated he had displayed the gun.

23 Plaintiff offers no clearly established case law, nor are the Defendants aware of any, that transforms
24 attempts to locate a suspect into a constitutional violation simply upon the reliance on a fellow officer
25 who alleges two different, but arguably illegal versions, of the suspect's actions. (Ex. A-4, Doc. 28, p.
6)

26 About Eight Months Later - Same False Arguments

27 District Court - December 27, 2013

28 Ninth Circuit - August 13, 2014

Ninth Circuit - Defendant's-Appellant's Opening Brief - August 13, 2014

Alison Hadfield. Plaintiff's Complaint [A-1] alleges nothing more about Deputy Hadfield other than

she continued to look for Plaintiff Vierra on July 7, 2012 with knowledge that Deputy Nuti at one point had said Plaintiff pointed a gun at him, and then, at another point, stated he had displayed the gun. Plaintiff offers no clearly established case law, nor are the Defendants aware of any, that transforms attempts to locate a suspect into a constitutional violation simply upon the reliance on a fellow officer who alleges two different, but inculpatory versions, of a suspect's actions.

Nate Tasch. As with Deputy Hadfield, Plaintiff's Complaint as to Deputy Tasch offers nothing other than he continued to look for Plaintiff Vierra on July 7, 2012 with knowledge that Deputy Nuti at one point had said Plaintiff pointed a gun at him, and then, at another point, stated he had displayed the gun. Again, these allegations do not amount to a constitutional violation of any kind. (Ex. A-5, DktEntry 5-1, pgs. 57-58)

were in fact false in both Courts;

1 - Plaintiff's Complaint [A-1] Alleges Nothing More Than

779) that the first element of their false arguments:

Stand-Alone Claims: 121: §1983-(x7 Defs.), 122: §1985(3)-(x7 Defs.)

Stand-Alone Claims: 123: §1983-(x7 Defs.), 124: §1985(3)-(x7 Defs.)

District Court – Defendants' Reply In Support of Motion to Dismiss - December 27, 2013

Plaintiff's Complaint [A-1] alleges nothing more than these Defendants continued to look for Plaintiff Vierra on July 7, 2012 with knowledge that Deputy Nuti at one point said Plaintiff pointed a gun at him, and then, at another point, stated he had displayed the gun. (Ex. A-4, Doc. 28, p. 6)

1 - Plaintiff's Complaint [A-1] Alleges Nothing More Than / Offers Nothing Other Than

Stand-Alone Claims: 125: §1983-(x7 Defs.), 126: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendant's-Appellant's Opening Brief - August 13, 2014

Alison Hadfield. Plaintiff's Complaint [A-1] alleges nothing more about Deputy Hadfield other than she continued to look for Plaintiff Vierra on July 7, 2012 with knowledge that Deputy Nuti at one point had said Plaintiff pointed a gun at him, and then, at another point, stated he had displayed the gun. (Ex. A-5, DktEntry 5-1, p. 57-58)

Stand-Alone Claims: 127: §1983-(x7 Defs.), 128: §1985(3)-(x7 Defs.)

Nate Tasch. As with Deputy Hadfield, Plaintiff's Complaint as to Deputy Tasch offers nothing other than he continued to look for Plaintiff Vierra on July 7, 2012 with knowledge that Deputy Nuti at one point had said Plaintiff pointed a gun at him, and then, at another point, stated he had displayed the gun. (Ex. A-5, DktEntry 5-1, p. 57-58)

were in fact false in both Courts;

780) that Plaintiff alleged a lot more than what they falsely argued;

781) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO

1 posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning
 2 fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a
 3 comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements:

4 Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

5 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
 6 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence. (Ex.
 A-1, p. 6, #31)

7 CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

8 On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their
 Facebook page. (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

9 Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

10 On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same
 occurrence in his report. (Ex. A-1, p. 6, #33)

11 This Is A Comparison Of Nuti's Two Fabricated Accounts

12 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
 morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, #34)

13 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

14 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 15 area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 39, 37)

16 Nuti's River Report - July 7, 2012 - 12:57 p.m.

17 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 18 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

19 782) that Plaintiff specifically identified Nuti's two statements concerning what he said and wrote
 20 Plaintiff did with a gun at the river area of S.R. 82; the morning of July 7, 2012, as fabricated:

21 This Is A Comparison Of Nuti's Two Fabricated Accounts

22 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
 morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, # 34)

23 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

24 Deputy Advised that the male subject pointed the weapon at him. (Ex. A-1, p. 7, # 39)

25 Nuti's Report - July 7, 2012 - 12:57 p.m.

I noted he pointed the firearm toward the ground. (Ex. A-1, p. 7, # 40)

26 783) that written on the face of A-1, Hadfield and Tasch heard Nuti's radio transmission:

27 Hadfield / Tasch - Heard Nuti's Radio Transmission

28 July 7, 2012, 9:43 AM, two CCSO Deputies, Master Deputy Alison Hadfield and Deputy Nate Tasch,
 were within earshot of their radios to hear Nuti's River Radio Transmission. (Ex. A-1, p. 11, # 58)

1 784) that Plaintiff wrote on the face of A-1, under what circumstances Hadfield and Tasch each
2 heard Nuti's radio transmission:

3 Circumstances Hadfield And Tasch Were Able To Hear Nuti's Radio

4 Deputy Tasch stopped talking on the CCSO radio 3 seconds before Nuti began his radio transmission;
5 he was within earshot. Deputy Tasch then responded to assist Nuti at the San Pedro River area of
6 Hwy 82. (Ex. A-1, p. 11 # 59)

7 Master Deputy Alison Hadfield responded on the CCSO radio within 1 minute after the beginning of
8 Nuti's radio transmission. (Ex. A-1, p. 12, # 60)

9 785) that written on the face of A-1 was Hadfield reviewed the fabricated evidence Nuti wrote in his
10 report, and Tasch learned about and conveyed Nuti's second fabricated version of what Nuti claimed
11 happened at the river to an unidentified person, July 7, 2012; the same day as the occurrence at the
12 river area of S.R. 82:

13 Hadfield Reviewed Nuti's Fabricated Evidence - River Report

14 On July 7, 2012, at 2:19 PM, Master Deputy Alison Hadfield Reviewed the Fabricated Evidence Nuti
15 wrote in his report, and CCSO's false investigation continued: (Ex. A-1, p. 12, # 61)

16 Nuti's River Report - July 7, 2012 - 12:57 p.m.

17 I observed a male subject walking directly on the white fog line. I approached him within my patrol
18 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." *I noted he pointed the*
19 *firearm toward the ground,* (Ex. A-1, p. 7, # 36, 38, 40)

20 Tasch Conveyed Nuti's Second Fabricated River Version

21 On July 7, 2012, about 6:54 PM, Deputy Tasch conveyed Nuti's second fabricated version of what Nuti
22 claimed happened at the river to an unidentified person, which was recorded by the microphone
23 attached to the video recorder in Deputy Tasch's SUV: (Ex. A-1, p. 12, # 62, Ex. C-1, Counter 54:13 -
24 56:04)

25 Nuti's River Report - July 7, 2012 - 12:57 p.m.

26 I observed a male subject walking directly on the white fog line. I approached him within my patrol
27 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." *I noted he pointed*
28 *the firearm toward the ground;* (Ex. A-1, p. 7, # 36, 38, 40)

786) that written on the face of A-1 Hadfield and Tasch had the duty to end Nuti's fabricated case
within an hour of its beginning, after they learned, while at the river area of S.R. 82, Nuti gave two
contradictory statements about what happened there that morning:

Hadfield - Tasch Had The Duty To End Nuti's Fabricated Case

They Learned Nuti Gave Two Contradictory Statements

All the life threatening and extreme emotional distress producing occurrences following (Nuti's)
attack of my person during the morning of July 7, 2012 at the San Pedro River area of S.R. 82

1 should never have happened. CCSO Master Deputy Alison Hadfield and Deputy Nate Tasch had the
 2 duty to end Nuti's fabricated case within an hour of its beginning, after they learned, while at the river
 3 area of Hwy 82; Nuti gave two contradictory statements about what happened there that
 4 morning...They are each liable; they did not act upon that knowledge. They failed to intervene to
 5 prevent civil rights violations, and they..."continued their Investigation of me despite the fact that they
 6 knew or should have known that I was innocent;" (Ex. A-1, p. 12, # 63)

787) that written on the face of A-1, Hadfield and Tasch "conspired by omission with Nuti to conceal
 the fabricated evidence he gave concerning [Plaintiff's] actions:"

Hadfield - Tasch Conspired By Omission With Nuti To Conceal Fabricated Evidence
 Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch "conspired by
 omission" with Nuti "to conceal the fabricated evidence" he gave concerning my actions... (Ex. A-1,
 p. 3, # 17)

788) that Plaintiff wrote on the face of A-1 "neither Hadfield nor Tasch wrote a river report:"

Neither Hadfield Nor Tasch Wrote July 7, 2012 River Report
 Neither wrote a July 7, 2012 river report. (Ex. A-1, p. 4, # 17)

789) that clearly written on the face of A-1, Hadfield and Tasch "continued their investigation of
 [Plaintiff] despite the fact they knew or should have known [Plaintiff] was innocent:"

Hadfield Tasch Continued Investigation - Knowing Plaintiff Was Innocent
 Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch..."continued their
 investigation of me despite the fact that they knew or should have known that I was innocent." (Ex.
 A-1, p. 3, # 17,

All the life threatening and extreme emotional distress producing occurrences following (Nuti's)
 attack of my person during the morning of July 7, 2012 at the San Pedro River area of Hwy 82
 should never have happened. CCSO Master Deputy Alison Hadfield and Deputy Nate Tasch had the
 duty to end (Nuti's) fabricated case within an hour of its beginning, after they learned, while at the
 river area of Hwy 82; (Nuti) gave two contradictory statements about what happened there that
 morning. They are each liable; they did not act upon that knowledge. They failed to intervene to
 prevent civil rights violations, and they, along with others in CCSO, "continued their Investigation of
 me despite the fact that they knew or should have known that I was innocent." (Ex. A-1, p. 12, # 63)

790) that written on the face of A-1 was Hadfield's and Tasch's actions "caused deprivations of Due
 Process, Liberty, and the literal endangerment of [Plaintiff's] life, resulting in infliction's of emotional
 distress:"

Hadfield - Tasch Cause Deprivations of Due Process - Liberty
 Literal Endangerment Of Plaintiff's Life - Emotional Distress

Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch...caused deprivations of Due Process, Liberty, and literal endangerment of my life, resulting in inflictions of emotional distress. (Ex. A-1, p. 4, # 17)

791) that Plaintiff wrote on the face of A-1; Hadfield and Tasch...Based on their experience as deputies, knew or should have known their actions would violate [Plaintiff's] constitutional rights and endanger [Plaintiff's] life."

Hadfield -Tasch Experience - Knew Actions Would Violate
[Plaintiff's] Constitutional Rights - Endanger [Plaintiff's] Life

Hadfield and Tasch...Based on their experience as sheriff's deputies, knew or should have known their actions would violate my constitutional rights and endanger my life.. (Ex. A-1, p. 4, # 17)

792) that Plaintiff alleged a whole lot more on the face of A-1 about Hadfield and Tasch than what they falsely argued.

2 - Hadfield And Tasch Continued To Look For Plaintiff With Knowledge
Nuti Said Plaintiff Pointed Gun At Him / Displayed The Gun

793) that the second element of their preceding false arguments:

Stand-Alone Claims: 129: §1983-(x7 Defs.), 130: §1985(3)-(x7 Defs.)

Stand-Alone Claims: 131: §1983-(x7 Defs.), 132: §1985(3)-(x7 Defs.)

District Court - Defendants' Reply In Support of Motion to Dismiss - December 27, 2013

Alison Hadfield and Nate Tasch...continued to look for Plaintiff Vierra on July 7, 2012 with knowledge that Deputy Nuti at one point said Plaintiff pointed a gun at him, and then, at another point, stated he had displayed the gun. (Ex. A-4, Doc. 28, p. 6)

2 - Hadfield - Tasch Continued To Look For Plaintiff With Knowledge
Nuti Said Plaintiff Pointed Gun At Him / Displayed The Gun

Stand-Alone Claims: 133: §1983-(x7 Defs.), 134: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendant-Appellant's Opening Brief - August 13, 2014

Alison Hadfield...continued to look for Plaintiff Vierra on July 7, 2012 with knowledge that Deputy Nuti at one point had said Plaintiff pointed a gun at him, and then, at another point, stated he had displayed the gun. (Ex. A-5, DktEntry 5-1, pgs. 57-58)

Stand-Alone Claims: 135: §1983-(x7 Defs.), 136: §1985(3)-(x7 Defs.)

Nate Tasch...As with Deputy Hadfield...continued to look for Plaintiff Vierra on July 7, 2012 with knowledge that Deputy Nuti at one point had said Plaintiff pointed a gun at him, and then, at another point, stated he had displayed the gun. (Ex. A-5, DktEntry 5-1, pgs. 57-58)

were in fact false in both Courts;

1 794) that Plaintiff alleged a lot more on the face of A-1 than Hadfield and Tasch "continued to look
2 for Plaintiff" with merely the knowledge "Nuti at one point said Plaintiff pointed a gun at him, and then,
3 at another point, stated he had displayed the gun;"

4 795) that written on the face of A-1, Hadfield and Tasch "conspired by omission with Nuti to conceal
5 the fabricated evidence he gave concerning [Plaintiff's] actions," "[n]either wrote a July 7, 2012 river
6 report;" they..."continued their investigation of [Plaintiff], (or continued to look for Plaintiff Vierra, on
7 July 7, 2012), in spite the fact they both knew or should have known [Plaintiff] was innocent:"

8 17) Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch conspired by
9 omission with (Nuti) to conceal the fabricated evidence he gave concerning my actions, and they,
10 along with the others in the Cochise County Sheriff's Office (CCSO), "continued their investigation of
11 me despite the fact that they knew or should have known that I was innocent." ...Hadfield and Tasch
12 made the conscious decisions to intentionally engage in "Deliberate indifference, or reckless
13 disregard of the consequences of their omissions" that caused deprivations of Due Process, Liberty,
14 and literal endangerment of my life, resulting in inflictions of emotional distress. Based on their
experience as sheriff's deputies, they knew or should have known their actions would violate my
constitutional rights and endanger my life. Neither wrote a July 7, 2012 river report. (Ex. A-1, p. 3,
#17)

15 796) that written for the second time on the face of A-1, "All the life threatening and extreme
16 emotional distress producing occurrences following Nuti's attack of [Plaintiff's] person during the
17 morning of July 7, 2012 at the San Pedro River area of S.R. 82 should never have happened.
18 Hadfield and Tasch had the duty to end Nuti's fabricated case within an hour of its beginning, after
19 they learned, while at the river area of S.R. 82; Nuti gave two contradictory statements about what
20 happened there that morning...They failed to intervene to prevent civil rights violations, and they
21 ..."continued their Investigation of [Plaintiff] (or continued to look for Plaintiff Vierra on July 7, 2012) in
22 spite of the fact they knew or should have known [Plaintiff] was innocent:"

23 Hadfield - Tasch Had The Duty To End Nuti's Fabricated Case
24 They Learned Nuti Gave Two Contradictory Statements

25 All the life threatening and extreme emotional distress producing occurrences following (Nuti's)
26 attack of my person during the morning of July 7, 2012 at the San Pedro River area of S.R. 82
27 should never have happened. CCSO Master Deputy Alison Hadfield and Deputy Nate Tasch had the
28 duty to end Nuti's fabricated case within an hour of its beginning, after they learned, while at the river
area of Hwy 82; Nuti gave two contradictory statements about what happened there that
morning...They are each liable; they did not act upon that knowledge. They failed to intervene to
prevent civil rights violations, and they..."continued their Investigation of me despite the fact that they
knew or should have known that I was innocent:" (Ex. A-1, p. 12, # 63)

797) that, not only was Nuti's two fabricated statements about what he said and wrote Plaintiff did with the gun on July 7, 2012 used out of context in their preceding false arguments, it was a false argument through their omission of the other facts clearly written on the face of A-1, when Defendants culled through A-1, or cherry-picked fifteen words out of the nineteen word sentence, which Plaintiff clearly wrote on the face of A-1, to prepare, write and file their false arguments; (Defendants Culled Through Complaint A-1, p. 121), when they knowingly omitted fifteen words, "Once the deputy stopped his patrol vehicle and returned to the area, the man had" replacing them with "and then," followed by fled into the desert, in order to eliminate what Nuti said about him approaching Plaintiff's described location, and "Had;" a fact, "fled into the desert," Nuti said using CCSO's radio was already accomplished before he returned to the area he said he just previously saw Plaintiff standing:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 37) 798) to blend together and use Nuti's two fabricated statements about what he said and wrote Plaintiff did with the gun at the river area of S.R. 82, the morning of July 7, 2012, in their false face-to-face encounter only between Plaintiff and Nuti arguments (Face-To-Face Encounter, pgs. 134-144); 799) that Plaintiff identified on the face of A-1 a comparison of Nuti's two fabricated accounts, which included Nuti's two fabricated statements regarding what he said and wrote were Plaintiff's actions with a gun the morning of July 7, 2012, at the river area of S.R. 82:

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, # 34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

800) that Nuti said and wrote fabricated statements about the gun in two different and contradictory statements;

1 801) that Nuti's statement Plaintiff pointed the gun at him was what Nuti said using CCSO's radio,
 2 and it occurred just after Nuti said he observed Plaintiff standing on the side of the road, and before
 3 Nuti said, when he "stopped his patrol vehicle and returned to the area, the man had fled into the
 4 desert;" and that Nuti said he did not have any contact with Plaintiff on the highway; after Nuti said
 5 Plaintiff pointed a gun at him: Nuti "returned to the area, the man had fled into the desert:"

6 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

7 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 8 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 area, the man had fled into the desert, (Ex. A-1, pgs. 6-7, # 35, 39, 37)

9 802) that Nuti's statement he saw Plaintiff point the firearm toward the ground was what Nuti wrote
 10 in his river report about three hours after his 9:43 a.m. river radio transmissions the morning of July 7,
 11 2012; thus, Nuti's statement Plaintiff pointed the firearm at the ground, as written in the sequence of
 12 events on the face of A-1, was at the end of Nuti's described face-to-face encounter with Plaintiff;

13 Nuti's River Report - July 7, 2012 - 12:57 p.m.

14 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 15 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

16 803) that Nuti earlier said using CCSO's radio was not on S.R. 82 for there to have been a face-to-
 17 face encounter with; because "the man 'had' fled into the desert;" "Had;" a fact: "fled into the desert,"
 18 Nuti said using CCSO's radio was already accomplished before he returned to the area he said he
 19 just previously observed Plaintiff standing:

20 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

21 The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his
 22 patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 7, # 39)

23 804) that written on the face of A-1, Hadfield and Tasch heard Nuti's radio transmission:

24 Hadfield - Tasch - Heard Nuti's Radio Transmission

25 July 7, 2012, 9:43 AM, two CCSO Deputies, Master Deputy Alison Hadfield and Deputy Nate Tasch,
 26 were within earshot of their radios to hear Nuti's River Radio Transmission. (Ex. A-1, p. 11, # 58)

27 805) that Plaintiff wrote on the face of A-1, under what circumstances Hadfield and Tasch each
 28 heard Nuti's radio transmission:

Circumstances Hadfield - Tasch Were Able To Hear Nuti's Radio

Deputy Tasch stopped talking on the CCSO radio 3 seconds before Nuti began his radio transmission; he was within earshot. Deputy Tasch then responded to assist Nuti at the San Pedro River area of Hwy 82. (Ex. A-1, p. 11 # 59)

Master Deputy Alison Hadfield responded on the CCSO radio within 1 minute after the beginning of Nuti's radio transmission. (Ex. A-1, p. 12, # 60)

806) that written on the face of A-1 Hadfield and Tasch learned of the fabricated evidence Nuti wrote in his river report on July 7, 2012; the same day as the occurrence at the river area of S.R. 82:

Hadfield - Tasch - Nuti's Second Fabricated Version

On July 7, 2012, at 2:19 PM, Master Deputy Alison Hadfield Reviewed the Fabricated Evidence Nuti wrote in his report, and CCSO's false investigation continued: (Ex. A-1, p. 12, # 61)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

Tasch Conveyed Nuti's Second Fabricated Version

On July 7, 2012, about 6:54 PM, Deputy Tasch conveyed Nuti's second fabricated version of what Nuti claimed happened at the river to an unidentified person, which was recorded by the microphone attached to the video recorder in Deputy Tasch's SUV: (Ex. A-1, p. 12, # 62, Ex. C-1, Counter 54:13 - 56:04)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

807) that written on the face of A-1 Hadfield and Tasch had the duty to end Nuti's fabricated case within an hour of its beginning, after they learned, while at the river area of S.R. 82, Nuti gave two contradictory statements about what happened there that morning; They failed to intervene to prevent civil rights violations, and they..."continued their Investigation of [Plaintiff] (or continued to look for Plaintiff Vierra on July 7, 2012) despite the fact that they knew or should have known [Plaintiff] was innocent:"

Hadfield - Tasch Had The Duty To End Nuti's Fabricated Case

They Learned Nuti Gave Two Contradictory Statements

All the life threatening and extreme emotional distress producing occurrences following (Nuti's) attack of my person during the morning of July 7, 2012 at the San Pedro River area of S.R. 82 should never have happened. CCSO Master Deputy Alison Hadfield and Deputy Nate Tasch had the duty to end Nuti's fabricated case within an hour of its beginning, after they learned, while at the river

area of Hwy 82; Nuti gave two contradictory statements about what happened there that morning...They are each liable; they did not act upon that knowledge. They failed to intervene to prevent civil rights violations, and they..."continued their investigation of me despite the fact that they knew or should have known that I was innocent:" (Ex. A-1, p. 12, # 63)

808) that written on the face of A-1 was Hadfield's and Tasch's actions "caused deprivations of Due Process, Liberty, and literal endangerment of [Plaintiff's] life, resulting in infliction's of emotional distress:"

Hadfield - Tasch Cause Deprivations of Due Process - Liberty

Literal Endangerment Of Plaintiff's Life - Emotional Distress

Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch...caused deprivations of Due Process, Liberty, and literal endangerment of my life, resulting in inflictions of emotional distress. (Ex. A-1, p. 4, # 17)

809) that Plaintiff wrote on the face of A-1; Hadfield and Tasch...Based on their experience as deputies, knew or should have known their actions would violate [Plaintiff's] constitutional rights and endanger [Plaintiff's] life:"

Hadfield -Tasch Experience - Knew Actions Would Violate

[Plaintiff's] Constitutional Rights - Endanger [Plaintiff's] Life

Hadfield and Tasch...Based on their experience as sheriff's deputies, knew or should have known their actions would violate my constitutional rights and endanger my life. (Ex. A-1, p. 4, # 17)

3 - No Clearly Established Case Law, Nor Are The Defendants Aware Of Any

810) that the following combined false arguments:

Stand-Alone Claims: 137: §1983-(x6 Defs.), 138: §1985(3)-(x6 Defs.)

District Court - Defendants' Reply In Support of Motion to Dismiss - December 27, 2013

Plaintiff offers no clearly established case law, nor are the Defendants aware of any, that transforms attempts to locate a suspect into a constitutional violation simply upon the reliance on a fellow officer who alleges two different, but arguably illegal versions, of the suspect's actions. (Ex. A-4, Doc. 28, p. 6)

About Eight Months Later - Same False Arguments

District Court - December 27, 2013

Ninth Circuit - August 13, 2014

3 - No Clearly Established Case Law, Nor Are The Defendants Aware Of Any

These Allegations Do Not Amount To A Constitutional Violation Of Any Kind

1 Stand-Alone Claims: 139: §1983-(x6 Defs.), 140: §1985(3)-(x6 Defs.)

2 Ninth Circuit - Defendant's-Appellant's Opening Brief - August 13, 2014

3 Alison Hadfield...Plaintiff offers no clearly established case law, nor are the Defendants aware of
4 any, that transforms attempts to locate a suspect into a constitutional violation simply upon the
5 reliance on a fellow officer who alleges two different, but inculpatory versions, of a suspect's actions.
(Ex. A-1, DktEntry 5-1, p. 57-58)

6 Stand-Alone Claims: 141: §1983-(x6 Defs.), 142: §1985(3)-(x6 Defs.)

7 Nate Tasch...Again, these allegations do not amount to a constitutional violation of any kind; (Ex. A-
8 1, DktEntry 5-1, p. 57-58)

were in fact false in both Courts;

9 811) that, even though *Cunningham v. Gates* 229 F.3d 1271, (9th Cir. 2000), was used in a different
10 context, "conduct a *de novo* review of the entire record," on p.12, and "[I]t is particularly important" that
11 plaintiffs "make clear exactly *who* is alleged to have done *what* to *whom*,..." on p. 34 in their opening
12 brief in the Ninth Circuit,

13 812) the Ninth Circuit wrote in that opinion:

14 It is settled law...that if a group of officers agree that if and when some of them knowingly commit
15 unlawful acts others will falsify records [or withhold exculpatory evidence by not writing river reports]
16 and testify falsely to cover up the truth of the relevant events, all of those involved are liable for the
17 unlawful acts...Id., at 1282, and "police officers have a duty to intercede when their fellow officers
18 violate the constitutional rights of a suspect or other citizen." *United States v. Koon*, 34 F.3d 1416,
19 1447 n. 25 (9th Cir. 1994), []. Importantly, however, officers can be held liable for failing to intercede
only if they had an opportunity to intercede. See *Bruner v. Dunaway*, 684 F.2d 422, 426-27 (6th Cir.
1982), Id., at 1289,

20 813) that Plaintiff clearly wrote on the face of Ex. A-1 Nuti fabricated two statements about
21 what he said and wrote were Plaintiff's actions the morning of July 7, 2012, at the river area of
22 S.R. 82 and Hadfield and Tasch knew Nuti did:

23 This Is A Comparison Of Nuti's Two Fabricated Accounts

24 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, # 34)

25 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

26 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
27 area, the man had fled into the desert, (Ex. A-1, p. 6-7, # 35, 39, 37)

28 Nuti's River Report - July 7, 2012 - 12:57 p.m.

1 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 2 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 3 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

814) Hadfield / Tasch Knew Nuti Fabricated Evidence

815) that written on the face of A-1, on July 7, 2012, Hadfield and Tasch were within earshot of their
 radios and were able to hear Nuti's radio transmission:

July 7, 2012, 9:43 AM, two CCSO Deputies, Master Deputy Alison Hadfield and Deputy Nate Tasch,
 were within earshot of their radios to hear Nuti's River Radio Transmission: (Ex. A-1, p. 11, # 58)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 area, the man had fled into the desert. (Ex. A-1, pgs. 6-7, # 35, 39, 37)

816) that written on the face of A-1 were descriptions of the circumstances Hadfield and Tasch were
 able to hear Nuti's radio transmission:

Deputy Tasch stopped talking on the CCSO radio 3 seconds before Nuti began his radio
 transmission; he was within earshot. Deputy Tasch then responded to assist Nuti at the San Pedro
 River area of Hwy 82; (Ex. A-1, p. 11, # 59)

Master Deputy Alison Hadfield responded on the CCSO radio within 1 minute after the beginning of
 Nuti's radio transmission; (Ex. A-1, p. 12, # 60)

817) that Plaintiff wrote on the face of A-1 Hadfield reviewed the "fabricated evidence" Nuti wrote in
 his river report, and CCSO's false investigation continued:

On July 7, 2012, at 2:19 PM, Master Deputy Alison Hadfield Reviewed the Fabricated evidence Nuti
 wrote in his report, and CCSO's false investigation continued: (Ex. A-1, p. 12, # 61)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol
 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

818) that Plaintiff wrote on the face of A-1 Tasch conveyed Nuti's second "fabricated version" of
 what Nuti claimed happened to an unidentified person the evening after the morning occurrence at the
 river area of S.R. 82 on July 7, 2012, which was audio recorded:

On July 7, 2012, about 6:54 PM, Deputy Tasch conveyed Nuti's second fabricated version of what
 Nuti claimed happened at the river to an unidentified person, which was recorded by the microphone
 attached to the video recorder in Deputy Tasch's SUV; (Ex. A-1, p. 12, #'s 61-62, Ex. C-1, counter
 #'s 54:13-56:04)

Nuti's Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground. (Ex. A-1, p. 7, # 36, 38, 40)

819) that written on the face of A-1 "Hadfield and Tasch had the duty to end Nuti's fabricated case within an hour of its beginning, after they learned, while at the river area of S.R. 82 Nuti gave two contradictory statements...They failed to intervene to prevent civil rights violations:"

All the life threatening and extreme emotional distress producing occurrences following (Nuti's) attack of my person during the morning of July 7, 2012 at the San Pedro River area of S.R. 82 should never have happened. CCSO Master Deputy Alison Hadfield and Deputy Nate Tasch had the duty to end Nuti's fabricated case within an hour of its beginning, after they learned, while at the river area of Hwy 82; Nuti gave two contradictory statements about what happened there that morning...They are each liable; they did not act upon that knowledge. They failed to intervene to prevent civil rights violations, and they..."continued their investigation of me despite the fact that they knew or should have known that I was innocent:" (Ex. A-1, p. 12, # 63)

820) that Plaintiff wrote on the face of A-1, Hadfield and Tasch "conspired by omission with Nuti to conceal the fabricated evidence he gave concerning [Plaintiff's] actions:"

Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch conspired by omission with Nuti to conceal the fabricated evidence he gave concerning my actions... (Ex. A-1, p. 3, # 17)

821) that Plaintiff wrote on the face of A-1, "neither wrote a July 7, 2012 river report:"

Neither wrote a July 7, 2012 river report. (Ex. A-1, p. 4, # 17)

822) that Plaintiff wrote on the face of A-1, Hadfield and Tasch "continued their investigation of [Plaintiff] despite the fact they knew or should have known [Plaintiff] was innocent:"

Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch...continued their investigation of me despite the fact that they knew or should have known that I was innocent. (Ex. A-1, p. 3, # 17, p. 12, # 63)

823) that written on the face of A-1, was Hadfield's and Tasch's actions caused "deprivations of Due Process, Liberty; literal endangerment of [Plaintiff's] life, resulting in infliction's of emotional distress:"

Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch...caused deprivations of Due Process, Liberty, and literal endangerment of my life, resulting in inflictions of emotional distress. (Ex. A-1, p. 4, # 17)

824) that Plaintiff wrote on the face of A-1; Hadfield and Tasch...Based on their experience as deputies, knew or should have known their actions would violate [Plaintiff's] constitutional rights and

1 endanger [Plaintiff's] life:"

2 Hadfield and Tasch...Based on their experience as sheriff's deputies, knew or should have known
3 their actions would violate my constitutional rights and endanger my life. (Ex. A-1, p. 4, # 17)

4 825) that the Ninth Circuit wrote in *Cunningham v. Gates* 229 F.3d 1271, (9th Cir. 2000):

5 It is settled law...that if a group of officers agree that if and when some of them knowingly commit
6 unlawful acts others will falsify records [or withhold exculpatory evidence by not writing river
7 reports] and testify falsely to cover up the truth of the relevant events, all of those involved are
8 liable for the unlawful acts...Id., at 1282, and "police officers have a duty to intercede when their
9 fellow officers violate the constitutional rights of a suspect or other citizen." *United States v. Koon*,
10 34 F.3d 1416, 1447 n. 25 (9th Cir. 1994), []. Importantly, however, officers can be held liable for
failing to intercede only if they had an opportunity to intercede. See *Bruner v. Dunaway*, 684 F.2d
422, 426-27 (6th Cir. 1982), Id., at 1289,

11 826) that the only way to convince the District Court and Ninth Circuit there were no constitutional
12 violations committed by Hadfield and Tasch, was to write their false arguments in a way that would
13 eliminate Hadfield and Tasch hearing and knowing Nuti said and wrote two fabricated and completely
14 contradictory statements, so, omitted from their false arguments were fifteen of nineteen words from
15 what Plaintiff clearly wrote on the face of A-1, "Once the deputy stopped his patrol vehicle and
16 returned to the area, the man had' fled into the desert; "Had;" a fact, "fled into the desert," Nuti said
17 using CCSO's radio was already accomplished before he returned to the area he said he just
18 previously saw Plaintiff standing:

19 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

20 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
21 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
area, the man had fled into the desert; (Ex. A-1, pgs. 6-7, # 35, 39, 37)

22 827) replaced with the words "and then" in their false arguments in both Courts:

23 District Court - Defendants' Motion to Dismiss - December 13, 2013

24 [1] Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with
25 Plaintiff as one of a male subject standing on the side of the road, who pointed a weapon at him, *and*
then fled into the desert. (Ex. A-2, Doc. 24, p. 5)

26 Ninth Circuit – Defendants-Appellants' Opening Brief - August 13, 2014

27 [1] Vierra alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Vierra
28 as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then*
fled into the desert; (Ex. A-5, DktEntry 5-1, p. 19-20)

828) then to write the preceding false arguments were what Hadfield and Tasch heard:

District Court - Defendants' Motion to Dismiss - December 13, 2013

[2] Deputies Alison Hadfield and Nate Tasch allegedly heard the 9:43 a.m. transmission and responded to the scene. (Ex. A-2, Doc. 24, p. 5)

Ninth Circuit – Defendants-Appellants' Opening Brief - August 13, 2014

[2] Deputies Alison Hadfield and Nate Tasch allegedly heard the 9:43 a.m. transmission, and responded to the scene; (Ex. A-5, DktEntry 5-1, p. 19-20)

829) followed by what Nuti wrote in his river report:

District Court - Defendants' Motion to Dismiss - December 13, 2013

[3] Plaintiff alleges Deputy Nuti, in a report authored that day at 12:57 p.m., described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white fog line, where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground; (Ex. A-2, Doc. 24, p. 5)

Ninth Circuit – Defendants-Appellants' Opening Brief - August 13, 2014

[3] Plaintiff alleges Deputy Nuti, in a report authored later that day at 12:57 p.m., described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground; (Ex. A-5, DktEntry 5-1, p. 19-20)

830) and concluding with Hadfield and Tasch reviewed Nuti's report, and took no steps to cease efforts to locate Plaintiff;

District Court - Defendants' Motion to Dismiss - December 13, 2013

[4] Deputies Tasch and Hadfield are alleged to have reviewed this report that afternoon, but took no steps to cease efforts to locate Plaintiff. (Ex. A-2, Doc. 24, p. 5)

Ninth Circuit – Defendants-Appellants' Opening Brief - August 13, 2014

[4] Deputies Tasch and Hadfield are alleged to have reviewed this report that afternoon, but took no steps to cease the efforts to locate Plaintiff. (Ex. A-5, DktEntry 5-1, p. 19-20)

831) that, according to their above false arguments, and what Plaintiff clearly wrote on the face of A-1, it was known at the time of preparing and writing their false argument: "Hadfield and Tasch ...took no steps to cease efforts to locate Plaintiff," it was in fact false arguments in both Courts.

832) District Court

833) 4 - Arguably Illegal Versions, Of The Suspect's Actions

834) Ninth Circuit

835) 4 - Inculpatory Versions, Of The Suspect's Actions

1 836) that their "arguably illegal versions, of the suspect's actions" arguments for Hadfield and Tasch:
 2 Stand-Alone Claims: 143: §1983 (x7 Defs.), 144: §1985(3)-(x7 Defs.)

3 Stand-Alone Claims: 145: §1983 (x7 Defs.), 146: §1985(3)-(x7 Defs.)

4 District Court - Defendants' Reply In Support of Motion to Dismiss - December 27, 2013
 5 ...concerning Alison Hadfield and Nate Tasch....Plaintiff's Complaint alleges nothing more than these
 6 Defendants continued to look for Plaintiff Vierra on July 7, 2012 with knowledge that Deputy Nuti at
 7 one point said Plaintiff pointed a gun at him, and then, at another point, stated he had displayed the
 8 gun...upon the reliance on a fellow officer who alleges two different, but arguably illegal versions, of
 9 the suspect's actions. (Ex. A-4, Doc. 28, p. 6)

10 837) that their "inculpatory versions, of a suspect's actions" arguments for Hadfield - Tasch:
 11 Stand-Alone Claims: 147: §1983-(x7 Defs.), 148: §1985(3)-(x7 Defs.)

12 Ninth Circuit - Defendant's - Appellant's Opening Brief - August 13, 2014
 13 Alison Hadfield. Plaintiff's Complaint [A-1] alleges nothing more about Deputy Hadfield other than
 14 she continued to look for Plaintiff Vierra on July 7, 2012 with knowledge that Deputy Nuti at one point
 15 had said Plaintiff pointed a gun at him, and then, at another point, stated he had displayed the gun.
 16 Plaintiff offers no clearly established case law, nor are the Defendants aware of any, that transforms
 17 attempts to locate a suspect into a constitutional violation simply upon the reliance on a fellow officer
 18 who alleges two different, but inculpatory versions, of a suspect's actions. (Ex. A-5, DktEntry 5-1,
 19 pgs. 57-58)

20 Stand-Alone Claims: 149: §1983-(x7 Defs.), 150: §1985(3)-(x7 Defs.);

21 Ninth Circuit - Defendant's - Appellant's Opening Brief - August 13, 2014
 22 Nate Tasch. As with Deputy Hadfield, Plaintiff's Complaint as to Deputy Tasch offers nothing other
 23 than he continued to look for Plaintiff Vierra on July 7, 2012 with knowledge that Deputy Nuti at one
 24 point had said Plaintiff pointed a gun at him, and then, at another point, stated he had displayed the
 25 gun. Again, these allegations do not amount to a constitutional violation of any kind. (Ex. A-5,
 26 DktEntry 5-1, pgs. 57-58)
 27 were in fact false in both Courts;

28 838) that the following in no wise revealed "arguably illegal versions of the suspect's actions;" or
 "inculpatory versions, of a suspect's actions;"

839) that what Nuti said and wrote were Plaintiff's actions with the gun the morning of July 7, 2012,
 at the river area of S.R. 82 were identified on the face of A-1 as both being fabricated:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.
 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence. (Ex.
 A-1, p. 6, # 31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.
On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page. (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.
On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report. (Ex. A-1, p. 6, # 33)

This Is A Comparison Of Nuti's Two Fabricated Accounts
This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, # 34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.
The Deputy Observed a male subject standing on the side of the road. *Deputy Advised that the male subject pointed the weapon at him.* Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.
I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." *I noted he pointed the firearm toward the ground,* (Ex. A-1, p. 7, # 36, 38, 40)

840) that written on the face of A-1 Hadfield and Tasch heard Nuti's radio transmission:

July 7, 2012, 9:43 AM, two CCSO Deputies, Master Deputy Alison Hadfield and Deputy Nate Tasch, were within earshot of their radios to hear Nuti's River Radio Transmission. (Ex. A-1, pgs. 11, # 58)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.
The Deputy Observed a male subject standing on the side of the road. *Deputy Advised that the male subject pointed the weapon at him.* Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 39, 37)

841) that Plaintiff wrote on the face of A-1, under what circumstances Hadfield and Tasch each heard Nuti's radio transmission:

Deputy Tasch stopped talking on the CCSO radio 3 seconds before Nuti began his radio transmission; he was within earshot. Deputy Tasch then responded to assist Nuti at the San Pedro River area of Hwy 82.

Master Deputy Alison Hadfield responded on the CCSO radio within 1 minute after the beginning of Nuti's radio transmission. (Ex. A-1, pgs. 11-12, #'s 59-60)

842) that written on the face of A-1, Hadfield reviewed Nuti's fabricated evidence and Tasch conveyed Nuti's fabricated version of what he claimed happened at the river area of S.R. 82; on July 7, 2012, the same day as the occurrence at the river area of S.R. 82:

On July 7, 2012, at 2:19 PM, Master Deputy Alison Hadfield Reviewed the Fabricated evidence Nuti wrote in his report, and CCSO's false investigation continued. (Ex. A-1, p. 12, # 61)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

On July 7, 2012, about 6:54 PM, Deputy Tasch conveyed Nuti's second fabricated version of what Nuti claimed happened at the river to an unidentified person, which was recorded by the microphone attached to the video recorder in Deputy Tasch's SUV. (Ex. A-1, p. 12, # 62, Ex. C-1, Counter 54:13 - 56:04)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." *I noted he pointed the firearm toward the ground*, (Ex. A-1, p. 7, # 36, 38, 40)

843) that written on the face of A-1 was Hadfield and Tasch "conspired by omission with Nuti to conceal Nuti's fabricated evidence he gave concerning [Plaintiff's] actions."

Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch "conspired by omission" with Nuti "to conceal the fabricated evidence" he gave concerning my actions... (Ex. A-1, p. 3-4, # 17)

844) that Plaintiff wrote on the face of A-1, when "neither Hadfield nor Tasch wrote a report:"

Neither wrote a July 7, 2012 river report, (Ex. A-1, p. 3-4, # 17)

845) that written on the face of A-1, "Hadfield and Tasch had the duty to end Nuti's fabricated case within an hour of its beginning, after they learned, while at the river area of Hwy 82; Nuti gave two contradictory statements about what he said and wrote happened there that morning:"

All the life threatening and extreme emotional distress producing occurrences following (Nuti's) attack of my person during the morning of July 7, 2012 at the San Pedro River area of S.R. 82 should never have happened. CCSO Master Deputy Alison Hadfield and Deputy Nate Tasch had the duty to end Nuti's "fabricated case" within an hour of its beginning, after they learned, while at the river area of Hwy 82; Nuti gave two contradictory statements about what happened there that morning...They are each liable; they did not act upon that knowledge. They failed to intervene to prevent civil rights violations, and they..."continued their investigation of me despite the fact that they knew or should have known that I was innocent." (Ex. A-1, p. 12, # 63)

846) that Plaintiff wrote on the face of A-1, Hadfield and Tasch "continued their investigation of [Plaintiff] despite the fact they knew or should have known [Plaintiff] was innocent."

Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch..."continued their investigation of me despite the fact that they knew or should have known that I was innocent." (Ex. A-1, p. 3, # 17, p. 12, # 63)

847) that written on the face of A-1 was Hadfield's and Tasch's actions "caused deprivations of Due Process, Liberty, and literal endangerment of [Plaintiff's] life, resulting in infliction's of emotional distress:"

Cochise County Sheriff's Master Deputy Alison Hadfield and Deputy Nate Tasch...caused deprivations of Due Process, Liberty, and literal endangerment of my life, resulting in inflictions of emotional distress. (Ex. A-1, p. 4, # 17)

848) that Plaintiff wrote on the face of A-1; Hadfield and Tasch...Based on their experience as deputies, knew or should have known their actions would violate [Plaintiff's] constitutional rights and endanger [Plaintiff's] life:"

Hadfield and Tasch...Based on their experience as sheriff's deputies, knew or should have known their actions would violate my constitutional rights and endanger my life.. (Ex. A-1, p. 4, # 17)

849) that, after reading the preceding; what was written on the face of A-1, Hadfield and Tasch knew or should have known within the realm of their experience as sheriff's deputies Nuti fabricated evidence, and, based on the totality of what was written on the face of A-1., they would not have viewed Nuti's two fabricated statements as "two different, but arguably illegal versions," or "inculpatory versions, of a suspect's actions;" regarding what Nuti said, wrote, and conveyed were Plaintiff's actions with the gun at the river area of S.R. 82; during the morning of July 7, 2012.

XLII - Revealed Intent To Write False Arguments Concerning Hadfield and Tasch
Vierra Discusses His Allegations Against Hadfield In His Brief On Pages 9

A - Hadfield Read Nuti's River Report - Nuti Admitted
Lying About Plaintiff Pointing A Gun At Him

850) Jellison knew or should have known, when he colluded/conspired with other Defendants to prepare, write, and file their false arguments in their reply brief in the Ninth Circuit concerning Hadfield:

851) that all the elements of their false argument:

Ninth Circuit – Defendants-Appellants' Reply Brief - September 22, 2014

C. Deputy Alison Hadfield's Entitlement To Qualified Immunity.

Vierra discusses his allegations against Sheriff's Master Deputy Alison Hadfield in his Brief on pages 9 and 34. Vierra does not dispute his allegations against Deputy Hadfield are that on July 7, 2012, she allegedly heard Deputy Nuti state Vierra pointed a weapon at him, and then, later that day, allegedly read a report from Deputy Nuti that Vierra had displayed a weapon pointing it toward the

1 ground, and then, nonetheless, continued to search for Vierra on that day; (Ex. A-7, DktEntry 15,
2 pgs. 22-23)

3 were in fact false;

4 852) that the first element of the preceding false arguments:

5 Stand-Alone Claims: 151: §1983-(x7 Defs.), 152: §1985(3)-(x7 Defs.)

6 Ninth Circuit – Defendants-Appellants' Reply Brief - September 22, 2014

7 Vierra discusses his allegations against Sheriff's Master Deputy Alison Hadfield in his Brief on pages
8 9; (Ex. A-7, DktEntry 15, pgs. 22-23)

9 853) revealed their intent to continue preparing, writing, and filing false arguments;

10 854) Specifically dealing with Jellison first;

11 855) Jellison knew Hadfield was in possession of the knowledge, from reading Nuti's river report the
12 afternoon of July 7, 2012, Nuti admitted lying about Plaintiff pointing a gun at him July 7, 2012, at the
13 river area of S.R. 82;

14 856) and Jellison, by not disclosing to the Ninth Circuit he was in possession of the knowledge
15 Hadfield knew, by reviewing/reading Nuti's river report, Nuti admitted lying using CCSO's radio about
16 what he said concerning Plaintiff pointing a gun at him, and he and the other Defendants had
17 prepared / were preparing, had written / were writing, and had filed / were filing false arguments about
18 what Nuti said were Plaintiff's actions with a gun at the river area of S.R. 82 the morning of July 7,
19 2012; that it violated the Arizona Rules of Professional Conduct:

20 Arizona Rules of Professional Conduct

21 ER 3.3 Candor Toward The Tribunal

22 Duty To Disclose

23 4. a lawyer may not knowingly offer false evidence and, if the lawyer later learns that material
24 evidence the lawyer has presented to a tribunal was false, the lawyer has an affirmative obligation to
25 take reasonable remedial measures.

26 3.3:600 Remedial Measures Necessary to Correct False Evidence

27 AZ-ER 3.3(a)(3): "If a lawyer, the lawyer's client...has offered material evidence and the lawyer
28 comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if
necessary, disclosure to the tribunal." "It is for the tribunal then to determine what should be done..."

857) Jellison revealed their intent to perpetrate frauds upon the Courts, when they wrote in their
reply brief Plaintiff wrote on page 9 in his Ninth Circuit response brief concerning Hadfield:

Ninth Circuit - Defendants-Appellants' Reply Brief - September 22, 2014

Vierra discusses his allegations against Sheriff's Master Deputy Alison Hadfield in his Brief on pages 9; (Ex. A-7, DktEntry 15, pgs. 22-23)

858) that Plaintiff wrote in his response brief in the Ninth Circuit Hadfield knew Nuti Lied:

Ninth Circuit - Appellee's Reply [Response] Brief - September 5, 2014

"(30) The evidence places Hadfield close to the radio to hear Nuti speak similar words to these over CCSO's radio: "Deputy Advised...Male...Pointed...weapon at him;"

"(32) On July 7, 2012, at about 2:19 PM, Hadfield, after hearing Nuti's fabricated radio transmission earlier that morning, where he said the male Pointed the Weapon at him as he passed by, reviewed / read Nuti's report, and she read where Nuti admitted lying to the CCSO dispatcher in his report, when he wrote, "...male Did Not Point the Firearm at me..." (Ex. A-6, DktEntry 14, p. 17)

859) that Plaintiff provided a July 20, 2012 copy of Nuti's July 7, 2012 river report to the Ninth Circuit and Defendants as Appendix 1; (Ex. 21, pgs. 1-2)

860) Page 1 - Heading:

07/20/2012
14:06

Cochise County Sheriff's
LAW Incident Narrative:

Page: 251
1

Incident Number: 12-10612

Narrative
(See below)

Narrative:

COCHISE COUNTY SHERIFF'S DEPARTMENT
Narrative Report

861) that on page 2, par. 4-6, Nuti wrote in his July 7, 2012 river report the words, "Other CCSO Units and Border Patrol arrived on scene as well as Highway Patrol. *As the male did not point the firearm at me*, it was decided to monitor to (sic) the area and attempt to locate him to identify who he was. After approximately one hour of being in the area, all units had negative contact with the male subject.

862) that Nuti wrote the preceding river report: "Reporting Officer: JANuti, Jr, #0716, Sat. July 7, 2012 12:57:05 MST

863) that Nuti's July 7, 2012 river report was reviewed by Hadfield about 2:19 p.m. July 7, 2012:

864) Reviewed By: Master Deputy A.K. Hadfield, #9821, Sat. July 7, 2012, 14:19:05 MST:

4 Other CCSO Units and Border Patrol arrived on scene as well as Highway Patrol. As the male did not point the firearm at me, it was decided to monitor to the area and attempt to locate him to identify who he was. After approximately one hour of being in the area, all units had negative contact with the male subject.

Nothing further.

STATUS:
Closed.

ATTACHMENTS:
None.

Date, Time, Reporting Officer:
5 Sat Jul 07 12:57:05 MST 2012:JANuti,Jr#0716.

Date, Time, Reviewed By:
6 Master Deputy A.K. Hadfield #9821 Sat Jul 07 14:19:05 MST 2012

(Ex. A-21)

865) that, regardless of whether or not the appendix/exhibits were admissible, once he came into the possession of Nuti's river report and the knowledge Nuti admitted in his river report he lied using CCSO's radio about Plaintiff pointing a gun at him, instead of disclosing to the Ninth Circuit all their prepared, written, and filed false arguments in the District Court and up to that point in the Ninth Circuit, concerning what Nuti said were Plaintiff's actions with a gun at the river area of S.R. 82, the morning of July 7, 2012, were in fact false, he and the other Defendants fought tooth and nail to keep Nuti's fabricated river report out of the record using the following seven arguments:

Ninth Circuit - Defendants-Appellants' Reply Brief - September 22, 2014

[1] Vierra's Brief does not argue the matter consistently with the appropriate standard of review. Appellants will continue to "analyze" the matter under the appropriate standard, disregarding Vierra's submission of material that is not to be considered under that standard. (Ex. A-7, DktEntry 15, p. 8-9)

[2] Prior to filing his Brief, Vierra requested permission from this Court to include extraneous exhibits in the appellate record. The Appellants opposed that request. Even though this Court had not ruled on the issue, Vierra proceeded to include the exhibits anyway, and bases his arguments on the exhibits. For the reasons contained herein, as well as those contained in Appellants' opposition, this Court should deny Vierra's earlier request and strike the exhibits that Vierra now includes in his "Appendix 1 - Excerpt of Exhibits," (Ex. A-7, DktEntry 15, p. 8, fn)

[3] Vierra's Brief invites this Court to abandon the correct standard of review by evaluating the case through exhibits which were not incorporated into the Complaint [A-1] by reference, and which were specifically disallowed for that purpose and not considered by the district court; certain of Vierra's exhibits were never presented to the district court at all, (Ex. A-7, DktEntry 15, pgs. 8-9)

[4] Appellants will continue to argue the case in light of the appropriate standard of review, and request the Court strike and disregard the exhibits contained in Vierra's Appendix 1 - Excerpt of Exhibits or any arguments made by Vierra which rely on those exhibits, (Ex. A-7, DktEntry 15, p. 10)

[5] In its April 1, 2104 Order, the district court specifically disallowed Vierra's request to file exhibits in support of his Complaint [A-1]. [Doc. 29; Appellants' ER 004-006]. Of the exhibits contained in Vierra's Appendix 1 - Excerpt of Records on Appeal, the exhibits at pages 1-14, 20-21, 29-30, and 32-43 of 44 are exhibits the district court specifically disallowed for submission into the record and did not consider; while the exhibits at pages 15-19, 22-28, 31, and 44 of 44 were not even offered by Vierra for inclusion into the district court record, [See Doc. 10, 11, 11-1 through 11-3] (Ex. A-7, DktEntry 15, p. 10 fn)

[6] Additionally, Vierra's arguments are derived solely from exhibits not part of the underlying court record, (Ex. A-7, DktEntry 15, p. 16 fn)

[7] Instead of arguing the facts alleged in his Complaint [A-1], Vierra argues the facts contained in the exhibits which he improperly offered with his responsive brief. Based on the standard of review, this Court should disregard the exhibits. However, if the Court is inclined to consider them, they show nothing more than Commander Hauser reviewing various reports, and seeking a voluntary interview from Vierra for consideration by the Cochise County Attorneys' Office in its further case review; in which Vierra declined to participate. [Vierra Appendix, pgs. 21, 24, 26-28] *None of these facts change the Appellants' analysis in this matter*, (Ex. A-7, DktEntry 15, p. 33-34 fn)

866) Jellison, knew of should have known;

867) that Nuti's river report was in his possession for the second time, first, from the disclosure documents he received from Cochise County, which were printed October, 14, 2013, the same day as the false CCSO dispatcher's radio log:

District Court - Nuti's Response to Plaintiff's Motion To Dismiss - July 27, 2017

As was earlier expressed to Plaintiff, "no one has lied to four Federal Court Judges." [Really? ☺]
 "Second, all documentary responses from Defendant Nuti have included documents both in Mr. Nuti's possession and in possession of Nuti's counsel. That necessarily includes the disclosure of documents that were previously received by counsel from Cochise County," (Ex. A-14, p. 1)

868) which Jellison, pursuant to his request from Nuti, sent to Plaintiff as Nuti's "Tangible Evidence" in Nuti's First Supplemental Disclosure Statement on April 7, 2007:

TANGIBLE EVIDENCE

1. **Notice of Claim against Cochise County received on June 12, 2013.**

[Cochise/ Vierra- 001- 006]

2. **CCSO Supplemental incident reports # 12-10612. [Cochise/ Vierra- 007- 091]**

(Ex. A-16)

10/14/13
13:50

Cochise County Sheriff's
Detail Incident Report

Page: 654
8

Incident #: 12-10612

COCHISE COUNTY SHERIFF'S DEPARTMENT
Narrative Report

DISTRIBUTION:
CCSO Records.

Other CCSO Units and Border Patrol arrived on scene as well as Highway Patrol. As the male did not point the firearm at me, it was decided to monitor to the area and attempt to locate him to identify who he was. After approximately one hour of being in the area, all units had negative contact with the male subject.

Nothing further.

STATUS:
Closed.

ATTACHMENTS:
None.

Date, Time, Reporting Officer:
Sat Jul 07 12:57:05 MST 2012:JANuti,Jr#0716.

Date, Time, Reviewed By:
Master Deputy A.K. Hadfield #9821 Sat Jul 07 14:19:05 MST 2012

Cochise/ Viera- 015

(Ex. D-11)

869) and from what Plaintiff submitted in his appendix to the Ninth Circuit (Ex. A-21), 870) Jellison was in full possession of the knowledge Hadfield, the afternoon of July 7, 2012, knew from reading Nuti's July 7, 2012 river report Nuti admitted he lied using CCSO's radio about Plaintiff pointing the gun at him, and that he had been in possession of the knowledge, after October 14, 2013, and before he colluded/conspired with the other Defendants to prepare, write, and file their first false arguments in their motion to dismiss in the District Court on December 13, 2013, just as he admitted he was:

District Court - Nuti's Response to Plaintiff's Motion To Dismiss - July 27, 2017

"Second, all documentary responses from Defendant Nuti have included documents both in Mr. Nuti's possession and in possession of Nuti's counsel. That necessarily includes the disclosure of documents that were previously received by counsel from Cochise County." (Ex. A-14, Doc. 92, p. 1, fn)

871) Concerning Defendants Hauser, Gijanto, Hadfield, Tasch, Capas, and Nuti, they printed Nuti's July 7, 2012 river report on October 14, 2013 (Ex. D-11); they received in Plaintiff's appendix a copy of Nuti's July 7, 2012 river report, (Ex. A-21), when he filed his response brief in the Ninth Circuit September 5, 2014; read what they colluded/conspired with Jellison to prepare, write, and submit in

1 their reply brief in the Ninth Circuit, and not one of them hired independent counsel to inform the Ninth
 2 Circuit Nuti admitted in his river report to having lied using CCSO's radio July 7, 2012 about Plaintiff
 3 pointing the gun at him, and all their preceding and present arguments had been and were false
 4 arguments concerning what Nuti said using CCSO's radio about Plaintiff pointing gun at him;

5 872) Nuti, in his river report, tried to cover up the fact he said using CCSO's radio Plaintiff pointed
 6 the gun at him, by writing in his river report, "As the male did not point the firearm at me," following
 7 that, CCSO through a false ten minute forty-one second copy of the one hour eight minute July 7,
 8 2012 morning radio transmissions, and CCSO's two false July 7, 2012 CCSO dispatcher's radio logs,
 9 November 5 & 28, 2012. and Hauser's, Gijanto's, Hadfield's, Tasch's, Capas', and Nuti's false October
 10 14, 2013 CCSO dispatcher's radio log, concealed what Nuti said using CCSO's radio were Plaintiff's
 11 actions of pointing a gun at him the morning of July 7, 2012, at the river area of S.R. 82, and in their
 12 false arguments in the District Court and in the Ninth Circuit, because Nuti's two fabricated statements
 13 about the gun written on the face of A-1 could not be eliminated, the Defendants colluded/conspired
 14 with their attorney Jellison to omitted from their false arguments fifteen of nineteen words, with the
 15 targets being: to eliminate Nuti's first described approach to Plaintiff's said location, and to eliminate
 16 past tense "Had;" a fact: "fled into the desert," Nuti said using CCSO's radio was already an
 17 accomplished fact before he returned to the area he said he just previously observed Plaintiff
 18 standing, to eliminate the contradictions in Nuti's two fabricated statements, to create their false face-
 19 to-face encounter only arguments. (Face-To-Face Encounter, pgs. 134-144)

20 873) that, instead of informing the Ninth Circuit they were in possession of the knowledge Nuti
 21 admitted in his river report to having lied using CCSO's radio July 7, 2012 about Plaintiff pointing the
 22 gun at him, their false arguments continued;

23 874) that the second element in their preceding false arguments:
 24 Stand-Alone Claims: 153: §1983-(x7 Defs.), 154: §1985(3)-(x7 Defs.)

25 Ninth Circuit - Defendants-Appellants' Reply Brief - September 22, 2014

26 C. Deputy Alison Hadfield's Entitlement To Qualified Immunity.

27 ...Sheriff's Master Deputy Alison Hadfield...heard Deputy Nuti state Vierra pointed a weapon at him,
 28 and then, later that day, allegedly read a report from Deputy Nuti that Vierra had displayed a weapon
 pointing it toward the ground; and then, nonetheless, continued to search for Vierra on that day; (Ex.
 A-7, DktEntry 15, p. 22-23)

1 was in fact false;

2 875) that, even though *Cunningham v. Gates* 229 F.3d 1271, (9th Cir. 2000), was used in a different
3 context, "conduct a *de novo* review of the entire record," on p.12, and "[i]t is particularly important" that
4 plaintiffs "make clear exactly *who* is alleged to have done *what* to *whom*..." on p. 34 in their opening
5 brief in the Ninth Circuit,

6 876) the Ninth Circuit wrote in that opinion:

7 It is settled law...that if a group of officers agree that if and when some of them knowingly commit
8 unlawful acts others will falsify records [or withhold exculpatory evidence by not writing river reports]
9 and testify falsely to cover up the truth of the relevant events, all of those involved are liable for the
10 unlawful acts...Id., at 1282, and "police officers have a duty to intercede when their fellow officers
11 violate the constitutional rights of a suspect or other citizen." *United States v. Koon*, 34 F.3d 1416,
12 1447 n. 25 (9th Cir. 1994), []. Importantly, however, officers can be held liable for failing to intercede
only if they had an opportunity to intercede. See *Bruner v. Dunaway*, 684 F.2d 422, 426-27 (6th Cir.
1982), Id., at 1289;

13 877) that the third element of their preceding false argument:

14 Stand-Alone Claims: 155: §1983-(x7 Defs.), 156: §1985(3)-(x7 Defs.)

15 Ninth Circuit - Defendants-Appellants' Reply Brief - September 22, 2014

16 and then, [Hadfield] nonetheless, continued to search for Vierra on that day;

17 was in fact false;

18 878) that their preceding false argument concerning Hadfield continuing to search for Plaintiff with
19 merely the knowledge she heard Nuti state Plaintiff pointed a weapon at him and then wrote Plaintiff
20 pointed the weapon at the ground; was a blatantly false argument;

21 879) that written on the face of A-1 Hadfield heard Nuti's radio transmission:

22 July 7, 2012, 9:43 AM, ...Hadfield...[was] within earshot of [her] radio to hear Nuti's River Radio
23 Transmission: (Ex. A-1, pgs. 11, # 58)

24 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

25 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
26 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
27 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

28 880) that in Nuti's above radio transmission were the words "the man had fled into the desert," and
in context with what Plaintiff wrote on the face of A-1 concerning Hadfield, she heard Nuti's radio
transmission; Hadfield heard Nuti say, "the man had fled into the desert;" or Hadfield heard Nuti use

1 past tense had in his description of what he said happened July 7, 2012, at the river area of S.R. 82;
2 "Once the deputy stopped his patrol vehicle and returned to the area," the man was no longer on the
3 highway, "the man had fled into the desert;"

4 881) that Plaintiff clearly wrote on the face of A-1, under what circumstances Hadfield heard Nuti's
5 fabricated radio transmission;

6 Master Deputy Alison Hadfield responded on the CCSO radio within 1 minute after the beginning of
7 Nuti's radio transmission; (Ex. A-1, pgs. 12, # 60)

8 882) that Plaintiff wrote twice on the face of A-1 Hadfield learned of Nuti's second fabricated
9 statement on July 7, 2012; the same day as the occurrence at the river area of S.R. 82,

10 Hadfield...learned, while at the river area of Hwy 82; [the morning of July 7, 2012] Nuti gave two
11 contradictory statements about what happened there that morning. (Ex. A-1, pgs. 12, # 63)

12 On July 7, 2012, at 2:19 PM, Master Deputy Alison Hadfield Reviewed the Fabricated evidence Nuti
wrote in his report, and CCSO's false investigation continued; (Ex. A-1, pgs. 12, # 61)

13 883) that Plaintiff wrote on the face of A-1, Hadfield "conspired by omission with Nuti to conceal the
14 fabricated evidence he gave concerning [Plaintiff's] actions,

15 Cochise County Sheriff's Master Deputy Alison Hadfield..."conspired by omission" with Nuti "to
16 conceal the fabricated evidence" he gave concerning my actions... (Ex. A-1, p. 3-4, # 17)

17 884) that Plaintiff wrote on the face of A-1, neither Hadfield nor Tasch wrote a report;

18 Neither wrote a July 7, 2012 river report; (Ex. A-1, p. 3-4, # 17)

19 885) that Plaintiff wrote on the face of A-1, Hadfield "had the duty to end Nuti's fabricated case
20 within an hour of its beginning, after [she] learned, while at the river area of Hwy 82; Nuti had given
21 two contradictory statements about what happened there that morning;

22 All the life threatening and extreme emotional distress producing occurrences following (Nuti's)
23 attack of my person during the morning of July 7, 2012 at the San Pedro River area of Hwy 82
24 should never have happened. CCSO Master Deputy Alison Hadfield and Deputy Nate Tasch had the
25 duty to end (Nuti's) fabricated case within an hour of its beginning, after they learned, while at the
26 river area of Hwy 82; (Nuti) gave two contradictory statements about what happened there that
27 morning. They are each liable; they did not act upon that knowledge. They failed to intervene to
28 prevent civil rights violations, and they, along with others in CCSO, "continued their Investigation of
me despite the fact that they knew or should have known that I was innocent." (Ex. A-1, p.gs. 11-12,
63)

1 886) that Plaintiff wrote on the face of A-1, Hadfield "continued the investigation of [Plaintiff] despite
2 the fact [she] knew or should have known [Plaintiff] was innocent."

3 Cochise County Sheriff's Master Deputy Alison Hadfield..."continued their investigation of me despite
4 the fact that they knew or should have known that I was innocent." (Ex. A-1, p. 3-4, # 17)

5 887) that Plaintiff wrote on the face of A-1, Hadfield's actions "caused deprivations of Due Process,
6 Liberty, and literal endangerment of [Plaintiff's] life, resulting in infliction's of emotional distress:"

7 Cochise County Sheriff's Master Deputy Alison Hadfield...caused deprivations of Due Process,
8 Liberty, and literal endangerment of my life, resulting in inflictions of emotional distress. (Ex. A-1, p.
9 4, # 17)

10 888) that Plaintiff clearly and plainly wrote on the face of A-1; Hadfield...Based on [her] experience
11 as sheriff's deput[y], knew or should have known [her] actions would violate [Plaintiff's] constitutional
12 rights and endanger [Plaintiff's] life:"

13 Hadfield...Based on [her] experience as sheriff's deputies, knew or should have known their actions
14 would violate my constitutional rights and endanger my life.. (Ex. A-1, p. 4, # 17)

15 XLIII - James Nuti, Jr.

16 889) The frauds perpetrated upon the District Court and then the Ninth Circuit, as seen in part in the
17 above false arguments, and below, concerning Nuti is not about what Nuti actually did, said, or wrote
18 concerning what he claimed were Plaintiff's actions at the river area of Hwy. 82; the morning of July 7,
19 2012; all the preceding and following claims rely solely upon what Plaintiff clearly wrote on the face of
20 A-1; describing what Nuti did, said, or wrote concerning what he claimed were Plaintiff's actions at the
21 river area of Hwy. 82; the morning of July 7, 2012, which is what Defendants knew from reading A-1,
22 when they prepared and wrote their false arguments; from which they admittedly wrote all their false
23 trial and appellate arguments. (Prepared False Arguments, p. 121-above).

24 890) The continuation of their false arguments for Nuti, that were prepared, written, and filed in their
25 motions to dismiss in the District Court and their briefs in the Ninth Circuit were prepared and written
26 with intent to manipulate the Honorable Federal Court Judges' minds to believe; during the morning of
27 July 7, 2012, at the river area of Hwy. 82;

28 891) Nuti approached Plaintiff for safety reasons;

892) Plaintiff responded to Nuti's safety concerns, by either pointing a gun at Nuti, displaying a gun, or pointing a weapon at the ground;

893) Plaintiff committed crimes; there was probable cause to believe he did;

894) the preceding all occurred during a face-to-face encounter between Plaintiff and Nuti;

895) Plaintiff did not plead facts showing a lack of probable cause;

896) on the face of the Complaint [A-1] there was either probable cause, or arguable probable cause. In reality, all their preceding false arguments were in fact false.

XLIV - Plaintiff Concludes This Action With Defendant's Bizarre Arguments

897) Plaintiff concludes this Action with seven of the most bizarre arguments that were conceived in these Defendant's minds and then written, during the times they prepared and wrote their following false arguments:

1. Plaintiff's Complaint [A-1] Never Specifically Alleges What Nuti Supposedly Fabricated;
2. Complaint [A-1] Suggests Fabrication Is Seen By The Two Differing Reports;
3. Plaintiff Does Not Plead Facts Showing A Lack Of Probable Cause For Arrest;
4. On The Face Of His Complaint [A-1]...Either Probable Cause / Arguable Probable Cause;
5. Vierra's Complaint [A-1] Does Not Allege Which Version Is True;
6. Vierra's Complaint [A-1]...Does Not Offer Alternative Explanation For Vierra's Actions;
7. Demonstrated Above-Allegations Of Vierra's Complaint [A-1] State Facts Showing Probable Cause b:

Plaintiff's Complaint [A-1] Never Specifically Alleges What Nuti Supposedly Fabricated
Complaint Suggests Fabrication Is Seen By The Two Differing Reports

c:

Plaintiff Does Not Plead Facts Showing A Lack Of Probable Cause For Arrest
On The Face Of His Complaint [A-1]...Either Probable Cause/ Arguable Probable Cause

898) The following false arguments for Nuti in their opening brief in the Ninth Circuit were written in two parts on the same page; parts b. and c.

899) The first false argument (b.) stated, "Plaintiff's Complaint [A-1] never specifically alleges what Deputy Nuti supposedly fabricated."

900) The second false argument (c.) tried to justify Plaintiff's false arrest using false probable cause

arguments, "Plaintiff does not plead facts showing a lack of probable cause for arrest. To the contrary, on the face of his Complaint [A-1], there is either probable cause, or arguable probable cause."

901) While their false arguments are shown as obviously false, they served another purpose; to subtly manipulate the Honorable Judges' minds to view "Plaintiff's Complaint [A-1]" in a false light, lacking credible allegations to overcome their probable cause arguments;

1 - Plaintiff's Complaint [A-1] Never Specifically Alleges What Nuti Supposedly Fabricated

902) Jellison knew or should have known, when he colluded/conspired with other Defendants to prepare, write, and file their false arguments in their opening brief in the Ninth Circuit;

903) that all the elements of their following false arguments:

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

b. The allegations of fabrication or withholding of evidence.

Plaintiff's Complaint [A-1] never specifically alleges what Deputy Nuti supposedly fabricated, although the Complaint suggests the fabrication is seen by the two differing reports allegedly offered by Nuti. (Ex. A-5, DktEntry 5-1, p. 53)

were in fact false;

904) that the first element in the preceding false arguments:

Stand-Alone Claims: 157: §1983-(x7 Defs.), 158: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

Plaintiff's Complaint [A-1] never specifically alleges what Deputy Nuti supposedly fabricated; (Ex. A-5, DktEntry 5-1, p. 53)

were in fact obviously false;

905) that Plaintiff clearly wrote on the face of A-1 what Nuti specifically fabricated;

906) that undeniably written on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning fabricated radio transmissions, Nuti wrote a fabricated-contradictory account in his report, this is a comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page; (Ex. A-1, p. 6, #32, Ex. D4, D-5)

1 Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

2 On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same
3 occurrence in his report; (Ex. A-1, p. 6, #33)

4 This Is A Comparison Of Nuti's Two Fabricated Accounts

5 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
6 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

7 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

8 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
9 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
10 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

11 Nuti's River Report - July 7, 2012 - 12:57 p.m.

12 I observed a male subject walking directly on the white fog line. I approached him within my patrol
13 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
14 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

15 907) that reading Nuti's two above fabricated statements - Radio/Report; clearly written on the face
16 of A-1, Nuti's two statements revealed he fabricated evidence to frame Plaintiff for a crime he couldn't
17 have been viewed as having committed, due to Nuti's two statements so contradicting each other that
18 neither statement could be believed;

19 908) that Plaintiff could not have been engaged in two different described actions at the same time,
20 1) standing, 2) walking; but more importantly, Plaintiff, without question, could not have been in two
21 different described locations at the same time, 1) Radio: off S.R. 82, 2) Report: on S.R. 82;

22 2 - Complaint Suggests Fabrication Is Seen By The Two Differing Reports

23 909) that the second element in the preceding false argument:

24 Stand-Alone Claims: 159: §1983-(x7 Defs.), 160: §1985(3)-(x7 Defs.)

25 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

26 ...the Complaint [A-1] suggests the fabrication is seen by the two differing reports allegedly offered
27 by Nuti; (Ex. A-5, DktEntry 5-1, p. 53)

28 was in fact blatantly false;

910) that Plaintiff did not "suggest the fabrication is seen by the two differing reports allegedly
offered by Nuti;" Plaintiff emphatically wrote on the face of A-1 "the two differing reports" were both
fabricated; meaning: "Nuti Lied;"

911) that the word fabricated is a common word used in all Courts to mean, as an example, and
applicable to this case, if a sheriff's deputy creates fabricated evidence, where they describe what

they claim are the series of actions of a person in two contradictory statements, it means they falsified statements and they are viewed as having "Lied;" one of the contradictory statements has to be a lie; a person cannot be said to have engaged in two completely different descriptions of actions at the same time, or during the same time period; thus; both statements have to be viewed as fabricated or viewed as false statements;

912) that the following is an obvious and undeniable understanding of Plaintiff's uses of the word fabricated, or Nuti lied, written on the face of A-1:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

913) that Plaintiff could not have been engaged in two different described actions at the same time, 1) Radio: standing, 2) Report: walking; but more importantly, Plaintiff, without question, could not have been in two different described locations at the same time, 1) Radio: off S.R. 82, 2) Report: on S.R. 82;

c.

3 - Plaintiff Does Not Plead Facts Showing A Lack Of Probable Cause For Arrest

1 4 - On The Face Of His Complaint [A-1]...Either Probable Cause/Arguable Probable Cause

2 918) Jellison knew or should have known, when he colluded/conspired with other Defendants to
3 prepare, write, and file their false arguments in their opening brief in the Ninth Circuit,

4 919) that all the elements of their following false arguments:

5 Ninth Circuit - Defendants-Appellants Opening Brief - August 13, 2014

6 c. Plaintiff's July 9, 2012 arrest.

7 As for Plaintiff's ultimate arrest on July 9, 2012, Plaintiff does not plead facts showing a lack of
8 probable cause for arrest. To the contrary, on the face of his Complaint [A-1], there is either probable
9 cause, or arguable probable cause; (Ex. A-5, DktEntry 5-1, p. 53)

10 were in fact false;

11 3 - Plaintiff Does Not Plead Facts Showing A Lack Of Probable Cause For Arrest

12 920) that the first element of their preceding false arguments:

13 Stand-Alone Claims: 161: §1983-(x7 Defs.), 162: §1985(3)-(x7 Defs.)

14 Ninth Circuit - Defendants-Appellants Opening Brief - August 13, 2014

15 c. Plaintiff's July 9, 2012 arrest.

16 As for Plaintiff's ultimate arrest on July 9, 2012, Plaintiff does not plead facts showing a lack of
17 probable cause for arrest; (Ex. A-5, DktEntry 5-1, p. 53)

18 were in fact false;

19 921) that Plaintiff overwhelmingly pled facts showing a lack of probable cause for arrest;

20 922) that clearly written on the face of A-1 were the words, "Nuti used CCSO's radio to fabricate
21 evidence, CCSO posted Nuti's fabricated radio transmissions on their Facebook page the night of
22 Nuti's morning fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his
23 report, this is a comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated

24 statements:

25 Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

26 On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the
27 CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-
28 1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 P:M, CCSO posted (Nuti's) fabricated river radio transmission on their
Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same
occurrence in his report; (Ex. A-1, p. 6, #33)

1 This Is A Comparison Of Nuti's Two Fabricated Accounts

2 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
3 morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

4 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

5 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
6 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
7 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

8 Nuti's River Report - July 7, 2012 - 12:57 p.m.

9 I observed a male subject walking directly on the white fog line. I approached him within my patrol
10 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
11 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

12 923) that reading Nuti's two above fabricated statements - Radio/Report; clearly written on the face
13 of A-1, Nuti's two statements revealed he fabricated evidence to frame Plaintiff for a crime he couldn't
14 have been viewed as having committed, due to Nuti's two statements so contradicting each other
15 neither statement could be believed;

16 924) that Plaintiff could not have been engaged in two different described actions at the same time,
17 1) Radio: standing, 2) Report: walking; but more importantly, Plaintiff, without question, could not have
18 been in two different described locations at the same time, 1) Radio: off S.R. 82, 2) Report: on S.R.
19 82;

20 925) that the removal of fifteen of nineteen words, "Once the deputy stopped his patrol vehicle and
21 returned to the area, the man had' fled into the desert;" and the replacement of those fifteen words
22 with "and then" followed by "fled into the desert," concealed the contradictions in Nuti's two described
23 fabricated statements, 1) Radio: off S.R. 82, 2) Report: on S.R. 82, in two false arguments in their
24 opening brief in the Ninth Circuit:

25 Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

26 Vierra alleges Deputy Nuti in a 9:43 a.m. radio transmission described his encounter with Vierra as
27 one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled
28 into the desert.

Plaintiff alleges Deputy Nuti, in a report authored later that day at 12:57 p.m., described his
encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where
Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and
where Plaintiff pointed a firearm toward the ground. (Ex. A-5, DktEntry 5-1 p. 19-20)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio transmission, described the encounter as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert.

Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-5, DktEntry 5-1, pgs. 48-49)

926) that, by eliminating the contradictions in Nuti's two fabricated statements, their false argument would be believable: "Plaintiff does not plead facts showing a lack of probable cause for arrest;"

4 - On The Face Of His Complaint [A-1]...Either Probable Cause/Arguable Probable Cause

927) that the second element of their preceding false arguments:

Stand-Alone Claims: 163: §1983-(x7 Defs.), 164: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

c. Plaintiff's July 9, 2012 arrest.

To the contrary, on the face of his Complaint [A-1], there is either probable cause, or arguable probable cause. (Ex. A-5, DktEntry 5-1, p. 53)

were in fact false;

928) that Nuti's two contradictory statements Plaintiff wrote on the face of A-1, was not the description of Probable cause, or arguable probable cause for arrest; "To The Contrary," Plaintiff wrote on the face of A-1 words that would lead a person to believe Nuti "Lied," when Nuti spoke and wrote two identified fabricated statements;

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

1 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 2 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

3 Nuti's River Report - July 7, 2012 - 12:57 p.m.

4 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 5 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

6 929) that Nuti's two fabricated statements - Radio/Report, revealed there was no probable cause or
 7 arguable probable cause;

8 930) that Nuti's two fabricated statements describing a single occurrence on S.R. 82, the morning of
 9 July 7, 2012, so contradicted each other neither could be believed:

10 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

11 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 12 area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

13 Nuti's Report - July 7, 2012 - 12:57 p.m.

14 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 15 the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

16 A - Nuti: Vierra Pointed Weapon At Him / Displayed Gun Pointing Weapon Toward Ground

17 5 - Vierra's Complaint [A-1] Does Not Allege Which Version Is True

18 6 - Vierra's Complaint [A-1]...Does Not Offer Alternative Explanation For Vierra's Actions

19 931) Jellison knew or should have known, when he colluded/conspired with other Defendants to
 20 prepare, write, and file their false arguments in their reply brief in the Ninth Circuit,

21 932) that all the elements of their following false arguments:

22 Ninth Circuit - Defendant-Appellants' Reply Brief - September 22, 2014

23 Vierra's claims against Deputy James Nuti, Jr. start with his allegation that Deputy Nuti stated in a
 July 7, 2012 radio transmission that Vierra had pointed a weapon at him during a morning encounter,
 24 while Nuti, later that same day, allegedly stated in a written report that when he encountered Vierra
 that morning, Vierra displayed a gun, pointing the weapon toward the ground. Vierra's Complaint
 25 does not allege which version is true, nor does it offer an alternative explanation for Vierra's actions
 on July 7, 2012; (Ex. A-7, DktEntry 15, p. 10)

26 were in fact false;

27 A - Nuti: Vierra Pointed Weapon At Him / Displayed Gun Pointing Weapon Toward Ground
 28

933) that the first element of their preceding false arguments:

Stand-Alone Claims: 165: §1983-(x7 Defs.), 166: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendant-Appellants' Reply Brief - September 22, 2014

Vierra's claims against Deputy James Nuti, Jr. start with his allegation that Deputy Nuti stated in a July 7, 2012 radio transmission that Vierra had pointed a weapon at him during a morning encounter, while Nuti, later that same day, allegedly stated in a written report that when he encountered Vierra that morning, Vierra displayed a gun, pointing the weapon toward the ground; (Ex. A-7, DktEntry 15, p. 10)

were in fact false;

934) that, while the first sentence regarding what was written on the face of A-1, about what Nuti said and wrote were Plaintiff's actions with the gun, were a true writing of what was written on the face of A-1:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

Deputy Advised that the male subject pointed the weapon at him, (Ex. A-1, p. 6-7, # 39)

Nuti's Report - July 7, 2012, 12:57 p.m.

I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 40)

935) their preceding false argument concerning Nuti's two fabricated statements about what he said and wrote were Plaintiff's actions with a gun at the river area of Hwy. 82; the morning of July 7, 2012 were used out of context with what was written on the face of A-1 as a whole;

936) that the words:

Ninth Circuit - Defendant-Appellants' Reply Brief - September 22, 2014

"Vierra's claims against Deputy James Nuti, Jr. start with his allegation that Deputy Nuti stated in a July 7, 2012 radio transmission that Vierra had pointed a weapon at him during a morning encounter, while Nuti, later that same day, allegedly stated in a written report that when he encountered Vierra that morning, Vierra displayed a gun, pointing the weapon toward the ground" (Ex. A-7, DktEntry 15, p. 10)

was used as the false combining of Nuti's two fabricated statements into their false face-to-face encounter only arguments; (Face-To-Face Encounter, pgs. 134-144)

937) that Nuti described two fabricated statements about a gun in two different and contradictory statements;

938) that Nuti's statement Plaintiff pointed the gun at him was what Nuti said using CCSO's radio, and it occurred just after Nuti said he observed Plaintiff standing on the side of the road, and before Nuti said, when he "stopped his patrol vehicle and returned to the area, the man had fled into the

1 desert;" and that Nuti said he did not have any contact with Plaintiff on S.R. 82; after Nuti said Plaintiff
2 pointed a gun at him: Nuti "returned to the area, the man had fled into the desert:"

3 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

4 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
5 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
6 area, the man had fled into the desert, (Ex. A-1, pgs. 6-7, # 35, 39, 37)

7 939) that Nuti's claim he saw Plaintiff point the firearm toward the ground was what Nuti wrote in his
8 river report about three hours after his 9:43 a.m. river radio transmissions the morning of July 7, 2012;
9 Nuti's claim Plaintiff pointed the firearm at the ground, as written in the sequence of events on the face
10 of A-1, was at the end of Nuti's described face-to-face encounter with Plaintiff;

11 Nuti's River Report - July 7, 2012 - 12:57 p.m.

12 I observed a male subject walking directly on the white fog line. I approached him within my patrol
13 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
14 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

15 940) that Nuti earlier said using CCSO's radio was "not on S.R. 82" for him to have had the face-to-
16 face encounter with; because "the man 'had' fled into the desert:"

17 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

18 Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the
19 desert; (Ex. A-1, p. 7, # 39)

20 941) that reading Nuti's two above fabricated statements - Radio/Report; clearly written on the face
21 of A-1, Nuti's two statements revealed he fabricated evidence to frame Plaintiff for a crime he couldn't
22 have been viewed as having committed, due to Nuti's two statements so contradicting each other
23 neither statement could be believed;

24 942) that Plaintiff could not have been engaged in two different described actions at the same time,
25 1) Radio: standing, 2) Report: walking; but more importantly, Plaintiff, without question, could not have
26 been in two different described locations at the same time, 1) Radio: off S.R. 82, 2) Report: on S.R.
27 82;

28 943) that the removal of fifteen of nineteen words, "Once the deputy stopped his patrol vehicle and
returned to the area, the man had' fled into the desert;" and the replacement of those fifteen words
with "and then" followed by "fled into the desert," concealed the contradictions in Nuti's two described
fabricated statements, 1) Radio: off S.R. 82, 2) Radio: on S.R. 82, in two false arguments in their

opening brief in the Ninth Circuit; from which their foundation was laid and all of their future false arguments constructed:

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

Vierra alleges Deputy Nuti in a 9:43 a.m. radio transmission described his encounter with Vierra as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert.

Plaintiff alleges Deputy Nuti, in a report authored later that day at 12:57 p.m., described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-5, DktEntry 5-1, p. 19-20)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio transmission, described the encounter as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled into the desert.

Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed a firearm toward the ground. (Ex. A-5, DktEntry 5-1, pgs. 48-49)

5 - Vierra's Complaint Does Not Allege Which Version Is True

944) that the third element of their preceding false arguments:

Stand-Alone Claims: 167: §1983-(x7 Defs.), 168: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendant-Appellants' Reply Brief - September 22, 2014

"Vierra's Complaint [A-1] does not allege which version is true..." (Ex. A-7, DktEntry 15, p. 10)

were in fact false;

945) that Plaintiff wrote in clear and easy to understand language on the face of A-1 which version of Nuti's two fabricated statements were true, "Neither," both Nuti's accounts were fabricated and so stated;

946) that Plaintiff wrote on the face of A-1 the words, "Nuti used CCSO's radio to fabricate evidence, CCSO posted Nuti's fabricated radio transmissions on their Facebook page the night of Nuti's morning fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

6 - Vierra's Complaint [A-1]...Does Not Offer Alternative Explanation For Vierra's Actions

947) that the fourth element of their preceding false arguments:

Stand-Alone Claims: 169: §1983-(x7 Defs.), 170: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendant-Appellants' Reply Brief - September 22, 2014

Vierra's Complaint [A-1] does not...offer an alternative explanation for Vierra's actions on July 7, 2012; (Ex. A-7, DktEntry 15, p. 10)

were in fact blatantly false and accusatory;

948) that Plaintiff wrote on the face of A-1 Nuti fabricated the two statements about what he said and wrote were Plaintiff's actions the morning of July 7, 2012, at the river area of S.R. 82, and, it was known from the wording, Nuti fabricated his two statements concerning what he said and wrote were Plaintiff's actions; the only conclusion one could draw from what was clearly written on the face of A-1 is Nuti fabricated what he said and wrote were Plaintiff's actions:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.
On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.
On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts
This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.
The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.
I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

949) that the preceding written on the face of A-1 was an alternative explanation for their false arguments, Plaintiff specifically wrote this is a comparison of two fabricated accounts, followed by Nuti's two fabricated accounts - Radio/Report, which was an alternative explanation to their out of context uses of Nuti's two fabricated statements concerning what he said and wrote were Plaintiff's actions with a gun the morning of July 7, 2012, at the river area of S.R. 82 in their false arguments:

Ninth Circuit - Defendant-Appellants' Reply Brief - September 22, 2014
"Vierra's claims against Deputy James Nuti, Jr. start with his allegation that Deputy Nuti stated in a July 7, 2012 radio transmission that Vierra had pointed a weapon at him during a morning encounter, while Nuti, later that same day, allegedly stated in a written report that when he encountered Vierra that morning, Vierra displayed a gun, pointing the weapon toward the ground;" (Ex. A-7, DktEntry 15, p. 10)

950) that Plaintiff plainly wrote on the face of A-1 in very simple and easy to understand language a comparison of Nuti's two fabricated accounts regarding what he said (radio) and wrote (report) were Plaintiff's actions with a gun the morning of July 7, 2012 at the river area of Hwy 82:

This Is A Comparison Of Two Fabricated Accounts
This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, # 34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.
The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

7 - Allegations Of Vierra's Complaint [A-1] State Facts Showing Probable Cause

951) Jellison knew or should have known, when he colluded/conspired with other Defendants to prepare, write, and file their false arguments in their opening brief in the Ninth Circuit,

952) that the elements of their following false argument:

Stand-Alone Claims: 171: §1983-(x7 Defs.), 172: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendant-Appellants' Reply Brief - September 22, 2014

As demonstrated above, the allegations of Vierra's Complaint [A-1] state facts showing probable cause: (Ex. A-7, DktEntry 15, p. 16)

As Demonstrated Above

Ninth Circuit - Defendant-Appellants' Reply Brief - September 22, 2014

Vierra's Complaint [A-1] alleges only that Nuti provided two versions – one that Vierra pointed a weapon at him; and the other that during the encounter with Nuti, Vierra took his gun from his waistband and pointed the weapon at the ground. Neither of Vierra's alleged actions are legal, and Vierra's Complaint [A-1] does not allege an alternative view of the facts. A.R.S §13-1203(A)(2) defines the crime of assault as the "[i]ntentionally placing [of] another person in reasonable apprehension of imminent physical injury." A.R.S §13-1204(A)(2) provides the crime is aggravated assault if the person commits assault as prescribed by §13-1203 using "a deadly weapon or dangerous instrument." A.R.S §13-1204(A)(8)(a) also renders a §13-1203 assault aggravated if committed on a peace officer engaged in the execution of his duties. By July 7-9, 2012, Arizona courts had ruled that a suspect may commit criminal assault under A.R.S §13-1203(A)(2) and A.R.S §13-1204(A)(2) on a police officer by displaying a weapon in such a way as to result in reasonable apprehension of imminent physical injury. *State v. Angle*, 149 Ariz. 499, 502-504, 720 P.2d 100, 103-105 (App. 1985), *adopting the rule quoted and reversing on other grounds*, 149 Ariz. 478, 720 P.2d 79 (Ariz. 1986). A.R.S. §13-2904(A)(6) make disorderly conduct a crime through the reckless display of a weapon. In short, in Arizona it is criminal conduct to point or display a deadly weapon at a law enforcement officer in the execution of their duties without there being a lawful justification to do so. Accordingly, Vierra's conduct, in either of the two forms alleged in his Complaint, provides probable cause, and certainly arguable probable cause...(Ex. A-7, DktEntry 15, p. 12-13, See Above, 4 - Only Two Versions - Neither Actions Legal - No Alternative View - Criminal Activity: A.R.S. §13, pgs. 169-180)

was in fact false;

953) that their false argument, "Vierra's Complaint [A-1] state facts showing probable cause," was an obvious false argument;

954) that Nuti's two contradictory statements, which Plaintiff wrote on the face of A-1, were not facts showing probable cause; to the contrary, written on the face of A-1 are the words that would lead a person to believe Nuti "Lied," when Nuti spoke and wrote two identified fabricated statements;

955) that Plaintiff wrote on the face of A-1, "Nuti used CCSO's radio to fabricate evidence, CCSO posted Nuti's fabricated radio transmissions on their Facebook page the night of Nuti's morning fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

XLV - False Face-To-Face Encounter

A - When Plaintiff Responded To Nuti's Inquiries Regarding Safety

B - Responded, By Either Pointing / Displaying Handgun

C - Encounter Used In Singular

956) Their false arguments concerning Nuti rely solely upon their false face-to-face encounter only between Plaintiff and Nuti, from which they produced their false safety arguments, their false combining of Nuti's two fabricated statements concerning what Nuti said and wrote were Plaintiff's

actions with a gun July 7, 2012, at the river area of Hwy. 82; the preceding is clearly seen in their use of the word "encounter;" which was used in the singular, when clearly written on the face of A-1 were Nuti's two fabricated descriptions of "encounters," in the plural:

Nuti's River Radio Transmission - July 7, 2012 - Beginning: 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - Finished: 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

A - When Plaintiff Responded To Nuti's Inquiries Regarding Safety

957) Jellison, knew or should have known, when he colluded/conspired with other Defendants to prepare, write, and file in their motion to dismiss in the District Court:

958) that all the elements of the following false arguments:

District Court - Defendants' Motion To Dismiss - December 13, 2013

...when Plaintiff responded to Deputy Nuti's inquiries regarding safety by either pointing or displaying a handgun, Plaintiff changed the landscape of the encounter; (Ex. A-2, Doc. 24, p. 12) were in fact false;

959) that the first element of their preceding false arguments,
Stand-Alone Claims: 173: §1983-(x7 Defs.), 174: §1985(3)-(x7 Defs.)

District Court - Defendants' Motion To Dismiss - December 13, 2013

...when Plaintiff responded to...by either; (Ex. A-2, Doc. 24, p. 12) were in fact false;

960) that the false use of the words, "When Plaintiff responded to...by either," were used as a statement of fact, or Plaintiff did in fact respond by either: which they intended to mean Plaintiff did one or the other of their false described actions; point or display a handgun;

918) that written as a statement of fact, the reader would falsely conclude the following described actions were in fact Plaintiff's actions the morning of July 7; 2012, at the river area of Hwy. 82;

Stand-Alone Claims: 175: §1983-(x7 Defs.), 176: §1985(3)-(x7 Defs.)

961) that the second element of their preceding false arguments:

District Court - Defendants' Motion To Dismiss - December 13, 2013
 ...responded to *Deputy Nuti's inquiries regarding safety* by either...(Ex. A-2, Doc. 24, p. 12)

were in fact false

962) that their false safety argument was based on their false face-to-face encounter only between Plaintiff and Nuti, (Face-To-Face Encounter, pgs. 134-144)

963) that written and identified on the face of A-1 Nuti fabricated two statements concerning his observations of Plaintiff's location July 7, 2012, at the river area of Hwy. 82;

964) that Plaintiff wrote on the face of A-1 the words, "Nuti used CCSO's radio to fabricate evidence, CCSO posted Nuti's fabricated radio transmissions on their Facebook page the night of Nuti's morning fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page; (Ex. A-1, p. 6, #32, Ex's D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

1. Radio: No longer on S.R. 82 for Nuti to have held a conversation with, "man 'Had' fled into the desert,"

1 2. Report: Still on the S.R. 82 for Nuti to have held a conversation with, "I approached him within my
2 patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car..."

3 965) that their false safety argument was derived from their omission of fifteen of nineteen words,
4 "Once the deputy stopped his patrol vehicle and returned to the area, the man had' fled into the
5 desert;" replaced with the words "and then"

6 1. to eliminate Nuti's first described approach of Plaintiff's location and past tense "Had," a fact: "fled
7 into the desert," Nuti said was already accomplished before he returned to the area he said he just
8 previously observed Plaintiff standing:

9 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

10 The Deputy Observed a male subject standing on the side of the road...Once the deputy stopped his
11 patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 37)

12 2. to eliminate contradictions in Nuti's two fabricated statements:

13 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

14 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
15 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
16 area, the man had fled into the desert, (Ex. A-1, p. 6-7, # 35, 39, 37)

17 Nuti's River Report - July 7, 2012 - 12:57 p.m.

18 I observed a male subject walking directly on the white fog line. I approached him within my patrol
19 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
20 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

21 District Court - Defendants' Motion To Dismiss - December 13, 2013

22 Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff
23 as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then*
24 fled into the desert; (Ex. A-2, Doc. 24, p. 5)

25 Plaintiff alleges Deputy Nuti, in a report authored that day at 12:57 p.m., described his encounter
26 with Plaintiff earlier as one in which Plaintiff was walking on the white fog line, where Deputy Nuti
27 stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff
28 pointed a firearm toward the ground; (Ex. A-2, Doc. 24, p. 5)

966) that it would not have been possible to eliminate contradictions in the reader's minds, if their
arguments were written according to what was written on the face of A-1; and included the words,
"Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert:"

District Court - Defendants' Motion To Dismiss - December 13, 2013

Plaintiff alleges Deputy Nuti, in a 9:43 a.m. radio transmission, described his encounter with Plaintiff
as one of a male subject standing on the side of the road, who pointed a weapon at him, *and then*

1 [Once the deputy stopped his patrol vehicle and returned to the area, the man had] fled into the
2 desert; (Ex. A-2, Doc. 24, p. 5)

3 Plaintiff alleges Deputy Nuti, in a report authored that day at 12:57 p.m., described his encounter
4 with Plaintiff earlier as one in which Plaintiff was walking on the white fog line, where Deputy Nuti
5 stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff
6 pointed a firearm toward the ground; (Ex. A-2, Doc. 24, p. 5)

7 967) that the preceding was written to create their false face-to-face encounter only between Plaintiff
8 and Nuti; to falsely combine Nuti's two fabricated statements concerning what he said and wrote were
9 Plaintiff's actions with a gun the morning of July 7, 2012, at the river area of Hwy. 82; into a single
10 occurrence; (Face-To-Face Encounter, pgs. 134-144)

11 B - Responded, By Either Pointing Or Displaying A Handgun

12 968) that the third element of their preceding false arguments:

13 Stand-Alone Claims: 177: §1983-(x7 Defs.), 178: §1985(3)-(x7 Defs.)

14 District Court - Motion To Dismiss - December 13, 2013

15 ...when Plaintiff responded, by either *pointing or displaying a handgun*...; (Ex. A-2, Doc 24, p. 12)

16 were in fact false;

17 969) that the preceding was written with the full knowledge Plaintiff wrote on the face of A-1 Nuti
18 fabricated his two statements concerning what he said and wrote were Plaintiff's actions with a gun the
19 morning of July 7, 2012, at the river area of Hwy. 82;

20 This Is A Comparison Of Nuti's Two Fabricated Accounts

21 This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the
22 morning of July 7, 2012 at the river area of Hwy. 82; (Ex. A-1, p. 6, #34)

23 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

24 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
25 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
26 area, the man had fled into the desert, (Ex. A-1, p. 6-7, # 35, 39, 37)

27 Nuti's River Report - July 7, 2012 - 12:57 p.m.

28 I observed a male subject walking directly on the white fog line. I approached him within my patrol
vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

970) that reading Nuti's two above fabricated statements - Radio/Report; clearly written on the face
of A-1, Nuti's two statements revealed he fabricated evidence to frame Plaintiff for a crime he couldn't

1 have been viewed as having committed, due to Nuti's two statements so contradicting each other that
 2 neither statement could be believed;

3 971) that Plaintiff could not have been engaged in two different described actions at the same time,
 4 1) standing, 2) walking; but more importantly, Plaintiff, without question, could not have been in two
 5 different described locations at the same time, 1) Radio: off S.R. 82, 2) Report: on S.R. 82;

6 972) that Nuti described his fabricated statements about a gun in two different and contradictory
 7 statements;

8 973) that Nuti's statement Plaintiff pointed the gun at him was what Nuti said using CCSO's radio,
 9 and it occurred just after Nuti said he observed Plaintiff standing on the side of the road, and before
 10 Nuti said, when he "stopped his patrol vehicle and returned to the area, the man had fled into the
 11 desert;" and Nuti said he did not have any contact with Plaintiff on S.R. 82; after Nuti said Plaintiff
 12 pointed the gun at him: Nuti "returned to the area, the man had fled into the desert:"

13 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

14 The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male
 15 subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the
 area, the man had fled into the desert, (Ex. A-1, pgs. 6-7, # 35, 39, 37)

16 974) that Nuti's claim he saw Plaintiff point the firearm toward the ground was what Nuti wrote in his
 17 river report about three hours after his 9:43 a.m. river radio transmissions the morning of July 7, 2012;
 18 so, Nuti's claim Plaintiff pointed the firearm at the ground, as written in the sequence of events on the
 19 face of A-1, was at the end of Nuti's described face-to-face encounter with Plaintiff;

20 Nuti's River Report - July 7, 2012 - 12:57 p.m.

21 I observed a male subject walking directly on the white fog line. I approached him within my patrol
 22 vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed
 the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

23 975) that Nuti earlier said using CCSO's radio was "not on S.R. 82" for him to have had the face-to-
 24 face encounter with; because "the man 'had' fled into the desert:"

25 Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

26 Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the
 27 desert; (Ex. A-1, p. 7, # 39)

28 C - Encounter Used In Singular

976) that the fourth element of their preceding false arguments:

Stand-Alone Claims: 179: §1983-(x7 Defs.), 180: §1985(3)-(x7 Defs.)

District Court - Defendants' Motion To Dismiss - December 13, 2013

...Plaintiff changed the landscape of the encounter; (Ex. A-2, Doc 24, p. 12)

was in fact false;

977) that the word "encounter" was used in the singular, consistent with their false face-to-face encounter only between Plaintiff and Nuti arguments (Face-To-Face Encounter, pgs. 134-144), when written on the face of A-1 were words revealing Nuti fabricated two descriptions of his claimed "encounters," in the plural, with Plaintiff the morning of July 7, 2012, at the river area of Hwy. 82, which were both identified as fabricated:

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy. 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground, (Ex. A-1, p. 7, # 36, 38, 40)

978) that the preceding false argument was written to deceive the readers into believing there was a face-to-face encounter only between Plaintiff and Nuti; (Face-To-Face Encounter, pgs. 134-144)

XLVI - Most Notably

979) Jellison knew or should have known, when he colluded/conspired with other Defendants to prepare, write, and file their false argument in their supplemental reply brief in the Ninth Circuit,

980) that all the elements of their following false arguments:

Ninth Circuit - Defendants-Appellants' Supplemental Reply Brief - November 4, 2014

Most notably, Vierra's complaint [A-1] offers only two versions of events regarding his initial encounter with Deputy Nuti. Those two versions, allegedly provided by Deputy Nuti, are that on July 7, 2012, Vierra either pointed a firearm at Nuti, or Vierra pointed a firearm toward the ground in connection with his contact with Nuti. Vierra's briefing, however, provides a new alternative not contained in the complaint [A-1], namely, that Vierra neither pointed the firearm at the ground, nor at

Nuti. This last explanation is not a "well-pled" fact contained in the complaint [A-1]... While the well-pled allegations of the Complaint [A-1] allege that Deputy Nuti provided two differing accounts of his observations on July 7, 2012, both accounts support criminal activity on the part of Vierra. Vierra's briefing, however, provides a new alternative not contained in the complaint [Ex 1], namely, that Vierra neither pointed the firearm at the ground, nor at Nuti. This last explanation is not a "well-pled" fact contained in the complaint [A-1]. (Ex. A-9, DktEntry 23, p. 6)

were in fact false;

981) that the first element of their preceding false arguments:

Stand-Alone Claims: 181: §1983-(x7 Defs.), 182: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellants' Supplemental Reply Brief - November 4, 2014

Most notably...; (Ex. A-9, DktEntry: 23, p. 6)

were in fact false;

982) that the words, "Most notably:" Worthy of the Court's utmost attention, in context with their following false arguments, were a blatantly false use of those words,

983) that the words, "Most Notably" should have been used to emphasize it was "Worthy of the Court's utmost attention," clearly written on the face of A-1 were words revealing Nuti fabricated evidence to frame Plaintiff for a crime that he could not have been viewed as having committed, due to Nuti's two statements about what he said and wrote were Plaintiff's actions with a gun July 7, 2012, at the river area of Hwy. 82 so contradicted each other that neither statement could be believed:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence. (Ex. A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page. (Ex. A-1, p. 6, #32, D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report. (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82. (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. *Deputy Advised that the male subject pointed the weapon at him.* Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." *I noted he pointed the firearm toward the ground*, (Ex. A-1, p. 7, # 36, 38, 40)

984) that the second element of their preceding false arguments:

Stand-Alone Claims: 183: §1983-(x7 Defs.), 184: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellants' Supplemental Reply Brief - November 4, 2014

"Vierra's complaint [A-1] offers only two versions of events regarding his initial encounter with Deputy Nuti. Those two versions, allegedly provided by Deputy Nuti, are that on July 7, 2012, Vierra either pointed a firearm at Nuti, or Vierra pointed a firearm toward the ground in connection with his contact with Nuti; (Ex. A-9, DktEntry 23, p. 2)

985) that their words "Vierra's complaint offers only two versions of events regarding his initial encounter with Deputy Nuti. Those two versions, allegedly provided by Deputy Nuti, are that on July 7, 2012, Vierra either pointed a firearm at Nuti, or Vierra pointed a firearm toward the ground in connection with his contact with Nuti" were used out of context with what Plaintiff wrote as a whole - Radio/Report below, on the face of A-1, and Nuti's two fabricated statements about the gun were used according their false combining of Nuti's two fabricated statements concerning a gun in their false face-to-face encounter only arguments: (Face-To-Face Encounter, pgs. 134-144)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. *Deputy Advised that the male subject pointed the weapon at him.* Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert, and (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." *I noted he pointed the firearm toward the ground*, (Ex. A-1, p. 7, # 36, 38, 40)

XLVII - Nuti Provided Two Differing Accounts - Both Accounts Support Criminal Activity

Stand-Alone Claims: 185: §1983-(x7 Defs.), 186: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellant's Supplemental Reply Brief - November 4, 2014

the well-pled allegations of the Complaint [A-1] allege that Deputy Nuti provided two differing accounts of his observations on July 7, 2012, both accounts support criminal activity on the part of Vierra; (Ex. A-9, DktEntry 23, p. 2)

986) that the well-pled allegations clearly written on the face of A-1, describing Nuti's two differing accounts of his observations, did not support criminal activity on the part of Vierra;"

987) that clearly written on the face of A-1 were the words, "Nuti used CCSO's radio to fabricate evidence, CCSO posted Nuti's fabricated radio transmissions on their Facebook page the same night of Nuti's morning fabricated radio transmissions, Nuti wrote a fabricated - contradictory account in his report, this is a comparison of Nuti's two fabricated accounts," followed by Nuti's two fabricated statements:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

On July 7, 2012, at 10:06 PM, CCSO posted (Nuti's) fabricated river radio transmission on their Facebook page; (Ex. A-1, p. 6, #32, Ex.'s D-4, D-5)

Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

988) that written on the face of A-1 were words revealing Nuti fabricated evidence to frame Plaintiff for a crime that he could not have been viewed as having committed, due to Nuti's two statements about what he said and wrote were Plaintiff's actions July 7, 2012, at the river area of S.R. 82 so contradicting each other neither statement could be believed:

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

989) that Plaintiff could not have been engaged in two different described actions at the same time
 1) Radio: standing, 2) Report: walking; but more importantly, Plaintiff, without question, could not have
 been in two different described locations at the same time, 1) Radio: off S.R. 82, 2) Report: on S.R.
 82;

990) that the removal of fifteen of nineteen words, "Once the deputy stopped his patrol vehicle and
 returned to the area, the man had' fled into the desert;" and the replacement of those fifteen words with
 "and then" followed by "fled into the desert," concealed contradictions in Nuti's two described fabricated
 statements, 1) Radio: off S.R. 82, 2) Report: on S.R. 82, in two false arguments in their opening brief in
 the Ninth Circuit; from which their foundation was laid and all their future false arguments constructed:

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

Vierra alleges Deputy Nuti in a 9:43 a.m. radio transmission described his encounter with Vierra as
 one of a male subject standing on the side of the road, who pointed a weapon at him, *and then* fled
 into the desert. Ex. A-2, DktEntry 5-1 p. 19-20

Plaintiff alleges Deputy Nuti, in a report authored later that day at 12:57 p.m., described his
 encounter with Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where
 Deputy Nuti stated to Plaintiff "please don't walk on the roadway, you might get hit by a car," and
 where Plaintiff pointed a firearm toward the ground. (Ex. A-2, DktEntry 5-1 p. 19-20)

Ninth Circuit - Defendants-Appellants' Opening Brief - August 13, 2014

On July 7, 2012, after an encounter with Plaintiff at about 9:35 a.m., Deputy Nuti, in a 9:43 a.m. radio
 transmission, described the encounter as one of a male subject standing on the side of the road,
 who pointed a weapon at him, *and then* fled into the desert. (Ex. A-5, DktEntry 5-1, p. 48-49)

Then, in a report authored that day at 12:57 p.m., Deputy Nuti allegedly described his encounter with
 Plaintiff earlier as one in which Plaintiff was walking on the white "fog line," where Deputy Nuti stated
 to Plaintiff "please don't walk on the roadway, you might get hit by a car," and where Plaintiff pointed
 a firearm toward the ground. (Ex. A-5, DktEntry 5-1, p. 48-49)

Stand-Alone Claims: 187: §1983-(x7 Defs.), 188: §1985(3)-(x7 Defs.)

Ninth Circuit - Defendants-Appellants' Supplemental Reply Brief - November 4, 2014

Vierra's briefing, however, provides a new alternative not contained in the Complaint [A-1], namely,
 that Vierra neither pointed the firearm at the ground, nor at Nuti. This last explanation is not a "well-
 pled" fact contained in the complaint; [A-1]. (Ex. A-9, DktEntry 23, p. 2)

was in fact false;

991) that, even though it is true the specific words, "Vierra neither pointed the firearm at the ground,
 nor at Nuti," weren't mentioned on the face of A-1, Plaintiff clearly wrote Nuti lied, when he fabricated
 evidence in two statements - Radio/Report; therefore, according to what was written on the face of A-

1, the fact Plaintiff "neither pointed the firearm at the ground, nor at Nuti," could be deduced from the wording:

Nuti Fabricated Evidence - Radio - July 7, 2012 - 9:43 a.m.

On July 7, 2012, about 9:43 AM, (Nuti) used [] CCSO's radio in his patrol vehicle to convey to the CCSO dispatcher and the others monitoring the CCSO radio frequency Fabricated Evidence; (Ex. A-1, p. 6, #31)

CCSO's Facebook Page - Nuti's Fabricated Radio Transmission - July 7, 2012 - 10:06 p.m.

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Nuti Wrote Fabricated - Contradictory Account - Report - July 7, 2012 - 12:57 p.m.

On July 7, 2012, 12:27 PM, (Nuti) wrote a fabricated and contradictory account of the same occurrence in his report; (Ex. A-1, p. 6, #33)

This Is A Comparison Of Nuti's Two Fabricated Accounts

This is a comparison of Nuti's two fabricated accounts of what he claimed happened during the morning of July 7, 2012 at the river area of Hwy 82; (Ex. A-1, p. 6, #34)

Nuti's River Radio Transmission - July 7, 2012 - 9:43 a.m.

The Deputy Observed a male subject standing on the side of the road. Deputy Advised that the male subject pointed the weapon at him. Once the deputy stopped his patrol vehicle and returned to the area, the man had fled into the desert; (Ex. A-1, p. 6-7, # 35, 39, 37)

Nuti's River Report - July 7, 2012 - 12:57 p.m.

I observed a male subject walking directly on the white fog line. I approached him within my patrol vehicle. I stated, "Please don't walk on the roadway, you might get hit by a car." I noted he pointed the firearm toward the ground; (Ex. A-1, p. 7, # 36, 38, 40)

XLVIII - Conclusion

992) The frauds perpetrated upon the Courts were literally designed to sabotage Plaintiff's case.

993) For over three and a half years - October 14, 2013 - July 2017, the preparation for Discovery of the false October 14, 2013 CCSO dispatcher's radio log; the false ten minute forty-one second copy of the unedited original July 7, 2012 morning river radio transmissions, at the river area of S.R. 82, and the 665 false arguments in motions in the District Court and in briefs in the Ninth Circuit destroyed any chance Plaintiff had to present his case; Plaintiff was denied his right to Due Process by those operating under the authority of state law, and by those colluding/conspiring with them as private parties.

994) As a result of their accumulated actions, all of the original Defendants were granted qualified immunity, which destroyed the bulk of Plaintiff's action, with the exception of James Nuti., Jr., but the

1 false CCSO dispatcher's radio log, and the false radio transmissions recording made it impossible
2 pursue the action against him.

3 995) Since Cochise County/Cochise County sheriff's office still possess and controls the documents
4 and recordings, it will be futile to even try to bring forth the eighty plus stand-alone claims that were
5 later uncovered and developed in the original action, because, even if CCSO produces documents
6 and recordings, those at CCSO cannot be trusted to produce the originals, as they existed on the day
7 they were created; it is not their nature to be honest. The facts above bear witness to that fact.

8 996) Plaintiff prays this Court allow this independent fraud action to move forward to its inevitable
9 conclusion and award Plaintiff the damages in the amounts he seeks under the egregious conduct
10 standard; something that is so glaringly wrong, that there can be no question that it is reprehensible:
11

12 Cochise County

13 Stand-Alone Claims: 1,330 violations of 42 U.S.C. §1983, §1985(3) @ \$75,000,000.00 Per Individual
14 Stand-Alone Claim = \$99,750,000,000.00

15 Arizona Counties Insurance Pool

16 Stand-Alone Claims: 1,330 violations of 42 U.S.C. §1983, §1985(3) @ \$75,000,000.00 Per Individual
17 Stand-Alone Claim = \$99,750,000,000.00

18 James M. Jellison - 94: §1983, 94: §1985(3) = 188 Stand Alone-Claims / Punitive = \$56,400,000.00
19 Forest Hauser - 96: §1983, 96: §1985(3) = 192 Stand Alone-Claims / Punitive = \$57,600,000.00
20 Sean Gijanto - 96: §1983, 96: §1985(3) = 192 Stand Alone-Claims / Punitive = \$57,600,000.00
21 Allison Hadfield - 96: §1983, 96: §1985(3) = 192 Stand Alone-Claims / Punitive = \$57,600,000.00
22 Nathanael Tasch - 96: §1983, 96: §1985(3) = 192 Stand Alone-Claims / Punitive = \$57,600,000.00
23 Carol Capas - 91: §1983, 91: §1985(3) = 182 Stand Alone-Claims / Punitive = \$54,600,000.00
24 James Nuti, Jr. - 96: §1983, 96: §1985(3) = 192 Stand Alone-Claims / Punitive = \$57,600,000.00
25 Total 1,330 Stand Alone-Claims \$399,000,000.00

26 Respectfully Submitted:

27 This 7th Day of August, 2019

28 

Jerry A. Vierra - Plaintiff